N. J., F. D. 26726–26825 Issued July, 1937

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

26726–26825

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 17, 1937]

26726. Adulteration and misbranding of Lassar's zinc paste. U. S. v. Price Drug Co., Inc. Plea of guilty. Fine, $50. (F. & D. no. 33892. Sample no. 43077–A.)

This product contained salicylic acid in a proportion less than that prescribed for Lassar's Zinc Paste in the National Formulary.

On February 2, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Price Drug Co., Inc., New York, N. Y., charging shipment by said corporation in violation of the Food and Drugs Act, on or about November 23, 1933, from the State of New York into the State of Connecticut of a quantity of Lassar's zinc paste that was adulterated and misbranded.

The article was alleged to be adulterated in that it was sold under and by a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in said formulary, since said article contained less than 2 grams of salicylic acid per 100 grams of the article; whereas said formulary provided that Lassar's zinc paste should contain not less than 2 grams of salicylic acid per 100 grams.

The article was alleged to be misbranded in that the statement "Lassar's Zinc Paste (N. F.)", borne on the label, was false and misleading since it represented that said article was Lassar's zinc paste, which conformed to the standard laid down in the National Formulary; whereas in fact said article was not Lassar's zinc paste that conformed to the standard laid down in the National Formulary.

On May 11, 1936, a plea of guilty was entered on behalf of defendant corporation and the court imposed a fine of $50.

W. R. GREGG, *Acting Secretary of Agriculture.*

26727. Misbranding of Sip-O. U. S. v. George J. McCabe (McCabe Drug Co.). Plea of guilty. Fine, $25. (F. & D. no. 35980. Sample no. 23158–B.)

The label of this product bore false and fraudulent representations regarding its curative or therapeutic effects.

On February 4, 1936, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against George J. McCabe, trading as McCabe Drug Co., Fargo, N. Dak., charging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 14 and February 14, 1935, from the State of North Dakota into the State of Minnesota of a quantity of Sip-O that was misbranded.

Analysis of the article showed that it consisted essentially of water, sugar, menthol, chloroform, and a small amount of pine tar and unidentified plant extractives.

The article was alleged to be misbranded in that the statements regarding its curative or therapeutic effects, "* * * for Coughs * * *", and "A Valuable Remedy for Coughs * * * Bronchitis, Bronchial Asthma, * * * Whooping Cough, Sore Throat, Catarrh, Hay Fever, * * * Hoarseness * * *", borne on the labels, falsely and fraudulently represented that it was effective for the treatment of coughs; and effective as a

valuable remedy for the cure, mitigation, or prevention of coughs, bronchitis, bronchial asthma, whooping cough, sore throat, catarrh, hay fever, and hoarseness.

On July 24, 1936, the defendant entered a plea of guilty and the court imposed a fine of $25.

W. R. GREGG, *Acting Secretary of Agriculture.*

26728. Misbranding of Poloris Dental Poultice. U. S. v. Poloris Co., Inc. Plea of guilty. Fine, $125. (F. & D. no. 36018. Sample no. 26051–B.)

The packages of this product bore and contained false and fraudulent representations regarding its curative and therapeutic effects.

On August 7, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Poloris Co., Inc., a corporation, New York, N. Y., charging shipment by said corporation in violation of the Food and Drugs Act as amended, on or about August 21, September 12, October 24, and November 21, 1934, and January 7, 1935, from the State of New York into the State of Massachusetts of quantities of Poloris Dental Poultice which was misbranded.

Analysis of a sample of the article showed that it consisted essentially of plant material such as belladonna leaves, hops, aconite, sassafras, and acacia.

The article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the boxes containing it, on the cartons enclosing the boxes, and in a circular enclosed in each of the cartons, falsely and fraudulently represented that the article would be effective as a treatment, remedy, and cure for toothache and for abscess, swelling, or any inflammation of teeth and gums; effective as a treatment for the relief of toothache due to abscess conditions, gingivitis, trench mouth, soreness after treating pyorrhea, and during pregnancy; and effective for toothache of any other kind.

On October 19, 1936, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $125.

W. R. GREGG, *Acting Secretary of Agriculture.*

26729. Misbranding of Kalis' Laxative Capsules. U. S. v. 18 Packages of Kalis' Laxative Capsules. Default decree of condemnation and destruction. (F. & D. no. 36419. Sample nos. 27437–B, 27438–B.)

The packages of this article contained false and fraudulent representations regarding its curative or therapeutic effect.

On September 25, 1935, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 180 packages of Kalis' Laxative Capsules at Atchison, Kans., alleging that the article had been shipped in interstate commerce on or about February 1, 1935, by the Kalis Products Co., from St. Joseph, Mo., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of acetanilid (2 grains per capsule), extracts of plant drugs including asafetida and a laxative drug, camphor, and compounds of magnesium and iron.

The article was alleged to be misbranded in that statements appearing upon and within the package, "'Flu-Caps' For * * * Grip and Influenza", and the statement, "Were Formerly Known as Kalis' Laxative 'Flu-Caps'", upon a circular, falsely and fraudulently represented that the article was capable of producing the curative or therapeutic effect claimed in said statements.

On September 14, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26730. Misbranding of Roup-Powder and Poultry Worm Expeller; adulteration and misbranding of Acetanilid Comp. Tablets. U. S. v. 597 Cartons of Roup-Powder, 285 Cans of Poultry Worm Expeller, and 52,000 Acetanilid Comp. Tablets. Default decree of condemnation and destruction. (F. & D. nos. 36880, 36881, 36882. Sample nos. 52368–B, 52369–B, 52373–B.)

The label of the Roup-Powder contained false and fraudulent representations regarding its curative or therapeutic effect. The Acetanilid Comp. Tablets contained caffeine in addition to acetanilid, and the package failed to bear a statement of the quantity or proportion of acetanilid contained therein. The pack-

age of the Poultry Worm Expeller bore false and fraudulent representations regarding its curative or therapeutic effect.

On December 27, 1935, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 597 cartons of Roup-Powder, 52,000 Acetanilid Comp. Tablets, and 285 cans of Poultry Worm Expeller at Bloomington, Ill., alleging that said articles had been shipped in interstate commerce on or about October 4, 9, and 31, 1935, by the G. B. Shores Laboratories from Cedar Rapids, Iowa, and charging that the Roup-Powder and the Poultry Worm Expeller were misbranded, and that the Acetanilid Comp. Tablets were adulterated and misbranded in violation of the Food and Drugs Act.

Analysis of the Roup-Powder showed that it consisted essentially of 27.1 percent of potassium permanganate incorporated in a filter containing calcium and magnesium carbonates and sulphates. Analysis of the Acetanilid Comp. Tablets showed that they contained 1.9 grains of acetanilid and 1.1 grains of caffeine per tablet. Analysis of the Poultry Worm Expeller showed that it consisted essentially of kamala and nicotine.

The Roup-Powder was alleged to be misbranded in that the statements appearing upon the cartons, "Roup-Powder * * * as an aid for preventing roup * * * When sight of bird is affected bathe the head of the bird with this solution twice daily. In case of cholera * * * to aid in preventing the spread of the disease use this powder according to directions for preventing Roup. For canker—Follow directions for prevention of Roup * * * Roup-Powder", falsely and fraudulently represented that the article was capable of producing the effects claimed in said statements.

The Acetanilid Comp. Tablets were alleged to be adulterated in that their strength fell below the professed standard under which they were sold, namely, "Acetanilid Comp.", since they contained caffeine in addition to acetanilid. Said article was alleged to be misbranded in that it was offered for sale under the name of another article, and in that its package failed to bear a statement of the quantity or proportion of acetanilid contained therein.

The Poultry Worm Expeller was alleged to be misbranded in that the statements appearing on the packages and containers, "Worm Expeller For removal of Tape Worms and Round Worms in Poultry", falsely and fraudulently represented that it was capable of producing the curative or therapeutic effects claimed in said statements.

On September 29, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26731. Adulteration of Compressed Tablets Phenobarbital, Special Compressed Tablets 1904, and Special Chocolate Coated Tablets 1903. U. S. v. Charles H. Dietz (Charles H. Dietz & Co.). Plea of guilty. Fine, $225 and costs. (F. & D. no. 36937. Sample nos. 28283–B, 56351–B, 56354–B.)

The Compressed Tablets Phenobarbital contained less phenobarbital than the amount represented on the label; and the Special Compressed Tablets 1904 and the Special Chocolate Coated Tablets 1903 contained less acetanilid and potassium bromide than the amounts represented on the labels.

On October 5, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles H. Dietz, trading as Charles H. Dietz & Co., St. Louis, Mo., charging that said defendant on or about February 14, 1935, sold and delivered to a certain dealer a quantity of Compressed Tablets Phenobarbital, with and under a written guaranty that said article was not adulterated under the Food and Drugs Act; and alleging that said article when so sold and delivered to such dealer was adulterated under the Food and Drugs Act, and that said article so adulterated was shipped by such dealer and purchaser on or about February 14, 1935, from the State of Missouri into the State of Illinois in violation of the Food and Drugs Act. The information charged further that said defendant, Charles H. Dietz, shipped on or about November 11, 1935, from the State of Missouri into the State of Indiana a quantity of Special Compressed Tablets 1904 that were adulterated; and that said defendant shipped on or about December 10, 1935, from the State of Missouri into the State of Indiana a quantity of Special Chocolate Coated Tablets 1903 that were adulterated in violation of the Food and Drugs Act.

The Compressed Tablets Phenobarbital were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that each of said tablets was represented on the bottle labels to contain one-half grain of phenobarbital; whereas in fact each of said tablets contained less than one-half grain of phenobarbital.

The Special Compressed Tablets 1904 were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that each of said tablets was represented on the drum containing them to contain 1½ grains of acetanilid and one-fourth grain of potassium bromide; whereas in fact each of said tablets contained less than 1½ grains of acetanilid and less than one-fourth grain of potassium bromide.

The Special Chocolate Coated Tablets 1903 were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that each of said tablets was represented on the drum containing them to contain 1½ grains of acetanilid and one-fourth grain of potassium bromide; whereas in fact each of said tablets contained less than 1½ grains of acetanilid and less than one-fourth grain of potassium bromide.

On November 14, 1936, the defendant entered a plea of guilty and the court imposed a fine of $225 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

26732. Misbranding of Life-Line Tonic. U. S. v. John B. Kori (United States Remedy Co.). Plea of nolo contendere. Fine of $250 suspended. (F. & D. no. 36942. Sample 24420–B.)

The labels on this product and an accompanying circular bore and contained false and fraudulent representations regarding its curative or therapeutic effect with respect to various diseases and ailments.

On August 10, 1936, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John B. Kori, trading as United States Remedy Co., Jacksonville, Fla., charging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about July 1, 1935, from the State of Florida into the State of Pennsylvania of a quantity of Life-Line Tonic that was misbranded.

Analysis of the article showed that it was a yellowish, sirupy liquid containing chiefly: Epsom salt, glycerophosphates, quinine, plant material, and citric and hydrochloric acids.

The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, appearing on the bottle labels and in an accompanying circular, falsely and fraudulently represented that it was effective as a life tonic, as a good general tonic, as a blood and system purifier, and as a treatment, remedy, and cure for general run-down conditions and digestive troubles; effective to aid nature in the treatment of stomach, liver, kidney, and bowel ailments; effective as a treatment, remedy, and cure for constipation, indigestion, biliousness, headache, fever, malaria, chills, hay fever, cough, grippe, flu, neuralgia, and rheumatism; effective to act well on the liver, stomach, kidneys, and bowels; effective to insure health, and to make one eat better, sleep better, work better, and feel better; effective as a general tonic in relieving and preventing many ailments; effective to aid the general system to function properly, and to maintain a healthy condition; and effective as a reconstructive; effective to maintain health, effective as a relief of the symptom of hay fever and shortness of breath, colds in the head and chest, malaria, chills and fever, intermittent and remittent, constipation, indigestion, biliousness, dizziness, ague, dengue fever, headache, offensive breath, sour stomach, neuralgia or "Borowague", nasal catarrh, influenza, tired feeling, coughs, la grippe, pain and rheumatism; effective for clearing sores, itch, rash, pimply eruptions of the skin and skin troubles which are caused by impurities of the blood; effective to aid nature to act well on the bowels, liver, and kidneys, to aid them in driving from the blood excess uric acid, and to throw off all poisons and impurities; effective to make and increase rich red blood, to purify and strengthen, and to give new life and vigor to the system for old and young; effective to restore energy and vitality, to build up health and strength, and to promote appetite and digestion; effective as a tonic for health, strength, good feeling, good appetite, and clear healthy complexion, and as a remedy to kill the germs that cause the fever; effective to empty the bowels and cleanse the system; effective as a good preventive of many ailments; effective as a treat-

ment, remedy, and cure for backache, pain anywhere in the body caused by colds, rheumatism, or rheumatic trouble, aching joints, scarlatinal-dropsy, chronic disease, general dropsy from valvular disease of the heart and other conditions, bladder troubles, nervousness, nervo-sexual debility, and lost manhood; effective as a diminisher of uric-acid gravel, stone cystitis, stricture, and enlarged prostate; effective as a preventive of uric acid and gravel; and effective to restore the torpid liver to its normal condition, to create a healthy action of the digestive organs, and to relieve other ailments.

On September 21, 1936, the defendant entered a plea of nolo contendere, the court sentenced defendant to pay a fine of $250, suspended the sentence, and placed defendant under probation for 5 years.

W. R. Gregg, *Acting Secretary of Agriculture.*

26733. Adulteration and misbranding of Compressed Tablets Phenobarbital and Protargol Vaginal Suppositories. U. S. v. Paul B. Elder (Paul B. Elder Co.). Plea of guilty. Fine, $50 and costs. (F. & D. no. 36944. Sample nos. 32327-B, 33910-B.)

The Compressed Tablets Phenobarbital were each represented on the label to contain ½ grain of phenobarbital per tablet, when in fact they contained less. The Protargol Vaginal Suppositories were represented on the label to contain approximately 5 percent of Protargol, when in fact they contained less; and the label bore false and fraudulent representations regarding the curative or therapeutic effect of the article with respect to gonorrhea.

On April 30, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Paul B. Elder, trading as Paul B. Elder Co., Bryan, Ohio, charging shipment by said defendant in violation of the Food and Drugs Act on or about April 12, 1935, from the State of Ohio into the State of Iowa of a quantity of Compressed Tablets Phenobarbital that were adulterated and misbranded; and on or about May 31, 1935, from the State of Ohio into the State of Indiana of a quantity of Protargol Vaginal Suppositories that were adulterated and misbranded.

The Compressed Tablets Phenobarbital were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, since each of the tablets was represented to contain ½ grain of phenobarbital; when in fact each of the tablets contained less than ½ grain of phenobarbital to wit, not more than 0.43 grain. Said article was alleged to be misbranded in that the statement "Tablets Phenobarbital ½ Grain", borne on the bottle label, was false and misleading, since it represented that each of the tablets contained ½ grain of phenobarbital; when in fact each of the tablets contained less than ½ grain of phenobarbital.

The Protargol Vaginal Suppositories were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, since each of said suppositories was represented to contain approximately 5 percent of Protargol, when in fact each of the suppositories contained less than approximately 5 percent of Protargol, to wit, not more than 1.18 percent. Said article was alleged to be misbranded in that the statement, "Each suppository contains approximately five per cent of Protargol", borne on the label of the boxes containing the article, was false and misleading, since it represented that each of said suppositories contained approximately 5 percent of Protargol, when in fact each of the suppositories contained less than approximately 5 percent of Protargol. Said article was alleged to be misbranded further in that statements regarding its curative or therapeutic effect, borne on the box labels, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for gonorrhea in the female, and effective to destroy the gonococcus.

On September 10, 1936, the defendant entered a plea of guilty and the court imposed a fine of $50 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

26734. Adulteration and misbranding of Commanders. U. S. v. Master Drugs, Inc., a corporation, and William C. Kalash and John E. Von Dorn. Tried to the court. Judgment of guilty. Fine, $400 and costs. (F. & D. no. 36972. Sample no. 27265-B.)

The labeling of this article bore false and misleading representations regarding its vitamin content.

An April 16, 1936, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district

court an information against Master Drugs, Inc., a corporation, and William C. Kalash and John E. Von Dorn, officers of said corporation, whose principal place of business was Omaha, Nebr., charging shipment by said defendants in violation of the Food and Drugs Act on or about February 26, 1935, from the State of Nebraska into the State of Missouri of a quantity of an article labeled "Commanders", in the form of gelatin capsules contained in bottles enclosed in cartons, which was adulterated and misbranded.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented on the cartons and bottle labels and in an enclosed circular that it contained all six essential vitamins, namely, vitamins A, B, C, D, E, and G, in concentrated form, and that said vitamins were combined in "harmonious proportions" and that each capsule of the article was equivalent in vitamin content to 1 spoonful of cod-liver oil, one cake of yeast, one orange, and 2 pounds of whole wheat, and that one capsule of the article was equal to many pounds of ordinary food rich in vitamins; whereas in fact the article did not contain vitamin C, and it contained only an insignificant amount of vitamin B, and each of the capsules was not equivalent in vitamin content to 1 spoonful of cod-liver oil, one cake of yeast, one orange, and 2 pounds of whole wheat, and the vitamin content of each of the capsules was not equal to that of many pounds of food rich in vitamins.

The article was alleged to be misbranded in that the statements, "Commanders * * * Containing All Six Essential Vitamins A–B–C–D–E–G In Concentrated Form", borne on the cartons, and the statement, "Commanders contain all six of the Vitamins A–B–C–D–E–G in concentrated form", borne on the bottle labels and the statements, "Commanders combine the six vitamins, A–B–C–D–E and G in harmonious proportions * * * Each Commander is equivalent in vitamin content to one spoonful Cod Liver Oil, one cake of yeast, one orange, two pounds of whole wheat * * * Many pounds of ordinary food, rich in vitamins, would be required to equal the vitamin content of one Commander", contained in a circular enclosed in the carton, were false and misleading.

On July 28, 1936, upon trial of the case before the court, jury having been waived, the court found the defendants guilty and imposed a fine of $400.

W. R. Gregg, *Acting Secretary of Agriculture.*

26735. Misbranding of Solution of Genuine Doyle Chlorinometer Gas, Universal Brand Pain Expeller, Universal Brand Liniment, Laxative Cold and Grippe Breakers, Dr. Hobb's Sparagus Kidney Pills, Prof. Hoff's Prescription, Eilert's Daylight Family Liver Pills, Kalamazoo Celery Nervine Blood and Liver Pills or Dunkley's "Celerytone" Pills, Dr. Hobb's Nerve Tonic Pills, Knill's Black Diarrhea "Blackberry Compound" Pills, Dr. John W. Bull's Celebrated Pills, Dexter Ointment, Schuh's Home Made Anti-Bilious Stomach and Liver Pills, and Colorado Cough and Catarrh Root. U. S. v. Chicago Drug Sales, Inc., and Max B. Decker. Pleas of guilty. Fine, $25. (F. & D. no. 37023. Sample nos. 32617–B, 32619–B to 32622–B, incl.)

The package or label of each of the above-named articles bore or contained false or fraudulent representations regarding its curative or therapeutic effects.

On June 23, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Chicago Drug Sales, Inc., a corporation, Chicago, Ill., charging shipment by said corporation in violation of the Food and Drugs Act on or about August 9, 1935, from the State of Illinois into the State of Missouri of a quantity of Solution of Genuine Doyle Chlorinometer Gas, Universal Brand Pain Expeller, Universal Brand Liniment, Laxative Cold and Grippe Breakers, Dr. Hobb's Sparagus Kidney Pills, Prof. Hoff's Prescription, Eilert's Daylight Family Liver Pills, Kalamazoo Celery Nervine Blood and Liver Pills or Dunkley's "Celerytone" Pills, Dr. Hobb's Nerve Tonic Pills, Knill's Black Diarrhea "Blackberry Compound" Pills, Dr. John W. Bull's Celebrated Pills, Dexter Liniment, Schuh's Home Made Anti-Bilious Stomach and Liver Pills, and Colorado Cough and Catarrh Root each of which articles was misbranded.

Analysis of the Solution of Genuine Doyle Chlorinometer Gas showed that it consisted of chlorine dissolved in carbon tetrachloride. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the box labels, falsely and fraudulently represented that it would be effective as a treatment for whooping cough, influenza, laryngitis, and other respiratory diseases.

Analysis of the Universal Brand Pain Expeller showed that it consisted essentially of ammonia, a pungent principle such as capsicum, a small proportion of volatile oil, alcohol, and water. Said article was alleged to be mirbranded in that statements regarding its curative and therapeutic effects, appearing on the bottle labels and cartons, falsely and freudulently represented that it would be effective as a pain expeller and as a remedy for rheumatism, neuralgia, sprains, stiff joints, lame back, cramps, pains, backache, and gout; and effective to relieve pain.

Analysis of the Universal Brand Liniment showed that it consisted essentially of an ammonium soap, volatile oils including camphor, alcohol, and water. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the bottle labels and cartons, falsely and fraudulently represented that it would be effective to relieve rheumatism, pain, sciatica, inflammation, lameness, backache, cramps, stiffness of muscles and joints, and other external pains.

Analysis of the Laxative Cold and Grippe Breakers showed that they contained acetanilid, starch, and resinous plant material, and calcium carbonate as a coating. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the boxes and in a circular enclosed therein, falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for grippe, and effective as a relief for la grippe.

Analysis of Dr. Hobb's Sparagus Kidney Pills showed that they contained plant material including juniper berries. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the box labels and in a circular enclosed therein, falsely and fraudulently represented that the article would be effective as a treatment, remedy, and cure for kidney and bladder troubles, cystitis, nephritis, sleeplessness, nervousness, congestion of the kidneys, blood troubles such as gout, rheumatism, sallow complexion, anemia, chlorosis, nervous headache, dizziness, hysteria, neuralgia, Bright's disease, diabetes, bladder trouble, dropsy, enlarged joints, skin diseases, and chronic languor; effective as a specific for all kidney and blood disorders; effective as a filter for the blood; effective as a cure for kidney troubles; effective as a preventive and household remedy for kidney troubles; effective as a cure for poison in the blood caused by kidney troubles; effective as a cure for all diseases caused by sick kidneys; effective as a treatment, remedy, and cure for symptoms of kidney troubles such as a pain in the back, headache, nervousness, frequent thirst, hot and dry skin, shortness of branch, evil forebodings, troubled sleep, puffiness of the eyelids, swelling of the feet and ankles, loss of flesh, dark-colored urine with deposits of casts; effective as a treatment for inflammation or congestion of the kidneys; effective to prevent Bright's disease; effective as a cure for pimples, eruptions, sores and skin diseases caused by impure blood, anemia, chlorosis or green sickness, pale and sallow complexion and all the sicknesses caused by poor thin blood; dropsical swellings, gravel, cystitis; and all diseases of the urinary organis; and effective to remove all poisonous matter from the blood.

Analysis of Prof. Hoff's Prescription showed that it consisted essentially of a small proportion of an arsenic compound and water, flavored with oil of cinnamon. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the bottle labels and cartons and in a booklet enclosed in the cartons, falsely and fraudulently represented that the article would be effective as a treatment, remedy, and cure for asthma, catarrh, bronchitis, hay fever, pulmonary tuberculosis, chronic coughs, consumption, rose fever, bronchial asthma, catarrhal bronchitis, bronchial catarrh, influenza, la grippe, and epidemic catarrh.

Analysis of Eilert's Daylight Family Liver Pills showed that it contained plant material including a laxative plant drug. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the carton labels and in a circular wrapped around each carton, falsely and fraudulently represented that the article would be effective as a cure for all fevers, liver complaints, dyspepsia, imurities of the blood, jaundice, pains in the head, breast, side, limbs, and back, all female complaints, billiousness, indigestion, headache, indisposition, affections of the kidneys, nervousness, piles, and chronic difficulties.

Analysis of the article Kalamazoo Celery Nervine Blood and Liver Pills or Dunkley's "Celerytone" Pills showed that it contained plant material including a laxative plant drug and an alkaloid-bearing drug. Said article

was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the bottle labels, on wrappers enclosing the bottles, and in a circular enclosed with the bottles, falsely and fraudulently represented that the article would be effective as a treatment, remedy, and cure for affections of the nerves, blood, liver, and kidneys, of the stomach, genital organs, bowels, biliousness, sick headache, backache, nervous prostration, dyspepsia, rheumatism, insomnia, impotency, irregular or painful menstruation, and all troubles arising from irregularities of the stomach; effective as a nervine; and effective to strengthen and renew the nervous system, to cleanse the blood, and to give renewed activity to the liver and kidneys.

Analysis of Dr. Hobb's Nerve Tonic Pills showed that they contained phosphorus, an iron compound, and plant material including an alkaloid-bearing drug. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the bottle labels and in a booklet wrapped around each bottle, falsely and fraudulently represented that the article would be effective as a nerve tonic, as a blood purifier, and as a nervine; effective to enrich the blood and strengthen the nerves; effective to give the body the spring and elasticity of youth, and to drive out melancholy; effective as a brain food and muscle invigorator; effective to build up the waste places, and to make the weak strong and vigorous; effective to restore vital power and lost manhood; effective as a treatment, remedy, and cure for anemia, nervous headache, palpitation of the heart, fluttering, trembling, hysteria, nervousness of any form, pain in the back and other female complaints, nervous weakness and prostration, neuralgia, leucorrhea and female weakness; and effective to keep the blood pure, to banish pimples and blotches from the skin, and to insure a clear complexion.

Analysis of Knill's Black Diarrhea "Blackberry Compound" Pills showed that they contained plant material including an alkaloid-bearing drug, a laxative drug, and camphor. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the bottle labels and wrappers enclosing the bottles, falsely and fraudulently represented that the article would be effective as a cure for black diarrhea, chronic dysentery, cholera, cholera morbus, and all pains of the stomach and bowels. Said article was alleged to be misbranded further in that the statement "Blackberry Compound", borne on the label, was false and misleading since it contained no blackberry.

Analysis of Dr. John W. Bull's Celebrated Pills showed that they contained plant material, including an alkaloid-bearing drug, and camphor. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the bottle labels and on wrappers enclosing the bottles, falsely and freudulently represented that the article would be effective as a treatment, remedy, and cure for impure blood, blood poverty, general debility, nervousness, various female complaints, liver complaints, malaria, biliousness, spring fever, liver diseases, kidney diseases, indigestion, dyspepsia, loss of appetite, sick stomach, sick headache, fevers, skin eruptions, jaundice, and affections of the bladder and kidneys; effective as a treatment, remedy, and cure for ailments of the blood, stomach, liver, and bowels, and as a nonfailing remedy for anemia, dimness of sight, bad complexion, pains in the head, back, loins, side, or stomach; and effective to insure good health and to keep the blood pure.

Analysis of the Dexter Liniment showed that it consisted essentially of phenols, essential oils including oil of origanum and oil of hemlock, and kerosene. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the bottle labels, on wrappers enclosing the bottles, and in a circular enclosed in each of the wrappers, falsely and fraudulently represented that the article would be effective as a treatment, remedy, and cure for fresh wounds, cramps, pains, broken breasts, diphtheria, all lameness, swellings, rheumatism, old sores, weakness of joints, contraction of muscles, deep cuts, hemorrhoids, or piles, fistula, lame back, and stiff joints; and effective as a treatment, remedy, and cure for calks, garget,, sand cracks, sweeney, grease, poll evil, poisons of all kinds, foot rot, and cracked heels in animals.

Analysis of Schuh's Home Made Anti-Bilious Stomach and Liver Pills showed that they contained extracts of plant drugs including a laxative drug. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the box labels and in a circular enclosed in the boxes, falsely and fraudulently represented that the article would be

effective as a treatment, remedy, and cure for biliousness and ailments of the stomach and liver, sick headache, intermittent and remittent fevers, piles, indigestion, colic, jaundice, dropsy, dyspepsia, heartburn, dysentery, diseases of the liver, kidneys, and bladder, eruptions of the skin, nervousness and all disorders that arise from a diseased liver or from impure blood; and effective as a treatment, remedy, and cure for torpid liver, vertigo and swimming in the head, bilious attacks, chills and fever, and worms.

Analysis of the Colorado Cough and Catarrh Root showed that it consisted essentially of plant material bearing evidence of insect infestation. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the box labels, on wrappers enclosing the boxes, and in a circular enclosed in each of the wrappers, falsely and fraudulently represented that the article would be effective as a remedy for all coughs, catarrh, catarrh in the throat, bronchial affections, bronchitis, asthma, all throat, lung, and stomach troubles, dyspepsia, toothache, all nervous and blood complaints, hoarseness, sore throat, nasal catarrh, trouble in breathing, neuralgia, headache, consumptive cough, la grippe, and pneumonia; effective as a nerve and blood tonic; effective to cleanse and purify the blood and to restore the health; and effective to allay all nervous troubles, to keep the system in a healthful condition, to stimulate, strengthen, warm up, and impart new life and vigor to the system, and to cure disease.

On October 13, 1936, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $25.

W. R. Gregg, *Acting Secretary of Agriculture.*

26736. Misbranding of Erie Drug Co. Croup and Pneumonia Salve, Palmer's Compound Carbolic Salve, Sterling Vapor and Rubbing Salve, Sterling Aromatic Spt. Ammonia, Quinlax Laxative Quinine Tablets, Dr. Doll's Root and Herb Tea, Solvuric Buchu and Juniper Comp. Pills, Sterling Comp. Extract Smartweed, Burn Ease for Sunburn, and White Pine Cough Syrup; adulteration and misbranding of Sterling Antiseptic Solution and Erie Drug Co. Vanillo. U. S. v. Erie Drug Co. Plea of guilty. Fine, $50 and costs. (F. & D. no. 37028. Sample nos. 44314–B, 44315–B, 44319–B, 51810–B, 51817–B, 51818–B, 51821–B to 51824–B, incl., 51826–B, 51827–B.)

The labels of each of the above-named articles contained false and fraudulent representations regarding its curative or therapeutic effects. The package of Palmer's Compound Carbolic Salve also bore a false and misleading representation with respect to its antiseptic property. The designation of the Solvuric Buchu and Juniper Comp. Pills as such, on the label, was a false and misleading representation of the composition of the article. The label of the Sterling Antiseptic Solution bore a false and misleading representation that it was antiseptic and a germ killer. The label of the Erie Drug Co. Vanillo bore a false and misleading representation that it was a vanilla product and an extract of vanilla, and the package failed to bear a statement of the quantity of the contents.

On September 9, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Erie Drug Co., a corporation, Erie, Pa., charging shipment by it in violation of the Food and Drugs Act, on or about June 22, August 3, September 6 and 24, 1935, from the State of Pennsylvania into the State of New York, of quantities of the articles named above. The information alleged that each of said articles was misbranded, and that each of the last two mentioned also was adulterated.

Analysis of the Erie Drug Co. Croup and Pneumonia Salve showed that it consisted essentially of volatile oils (approximately 10 percent) including methyl salicylate, camphor, and menthol, incorporated in a petrolatum base. Said article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, appearing on the label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for croup, pneumonia, bronchitis, cold in the chest, congestion, lumbago, pleurisy, rheumatism, stiff neck, and sore throat.

Analysis of Palmer's Compound Carbolic Salve showed that it consisted essentially of phenol (0.7 percent), volatile oils including menthol, and a small proportion of zinc oxide, in a lanolin base. The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects borne on the label, falsely and fraudulently represented that it was effective to heal wounds, sores, piles, ulcers, eczema, and all skin diseases. Said article was alleged to be misbranded further in that the statement "Antiseptic Oint-

ment", borne on the label, representing that it was an antiseptic when used as directed, was false and misleading since the article was not an antiseptic when used as directed.

Analysis of the Sterling Vapor and Rubbing Salve showed that it consisted essentially of volatile oils (approximately 6 percent) including menthol, thymol, and eucalyptol, incorporated in a petrolatum base. The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for catarrh, congestion, pneumonia, sore throat, whooping cough, piles (itching), and rheumatic pains; effective as an auxiliary treatment for certain forms of inflammation and congestion; effective as an aid in the treatment of croup and inflammatory conditions of the air passages; and effective to increase the circulation of the blood throughout the affected areas and to help allay the inflammation and reduce the fever.

The Sterling Aromatic Spt. Ammonia was alleged to be misbranded in that statements regarding its curative or therapeutic effect, borne on the label, falsely and fraudulently represented that its was effective as a treatment for hysteria and nervous debility.

Analysis of a sample of Quinlax Laxative Quinine Tablets showed that they contained per tablet: Acetanilid (0.97 grain), caffeine (0.27 grain), quinine (0.494), bile salts, and an unidentified laxative drug. The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for grippe, la grippe, coughs, acute catarrh, and bronchitis; and effective to relieve the feverish conditions usually associated with colds.

Analysis of a sample of Dr. Doll's Root and Herb Tea showed that it consisted of plant material including senna leaves, dandelion root, uva ursi leaves, frangula bark, licorice root, and coriander seed. The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for blood, liver, and kidney diseases, chronic kidney diseases or bladder affections, diabetes, Bright's disease, frequent urination, suppressed menstruation, or any kidney or bladder trouble; effective as a sure remedy for blood ailments, kidney complaints, liver disease, piles, gravel, dyspepsia, debility, sick headache, nervous headache, rheumatism, neuralgia, female complaints, chills and fever, scrofula, erysipelas, and palpitation of the heart; effective to produce a good complexion and to restore to the skin youthful freshness and brilliancy and the hue of health; and effective to purify the blood.

Analysis of the Solvuric Buchu and Juniper Comp. Pills showed that they consisted of extracts of plant drugs, including juniper and buchu, and potassium vitrate. The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the label, falsely and fraudulently represented that it was effective as a treatment for all diseases arising from kidney and bladder disorders, weak back, inflammation of the bladder, and scalding or scanty urine. Said article was alleged to be misbranded further in that the statement "Buchu and Juniper Comp. Pills", borne on the label, representing that it was a compound of buchu and juniper, was false and misleading since it contained potassium vitrate.

Analysis of the Sterling Comp. Extract Smartweed showed that it consisted essentially of extracts of plant drugs, volatile oils, including sassafras oil and mustard oil, alcohol (62.5 by volume), and water. The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for chills, sore throat, cramps, colic, rheumatism, backache, rheumatic pains, and toothache; and effective to break up severe colds.

Analysis of Burn Ease for Sunburn showed that it consisted essentially of volatile oils including menthol, eucalyptol, camphor, and clove oil, incorporated in a base of stearic acid and water. The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the label, falsely and fraudulently represented that it was effective as a healing emollient for nasal catarrh, wounds, piles, ulcers, eczema, psoriasis, and skin diseases.

Analysis of the Sterling Syrup White Pine & Tar showed that it consisted essentially of extracts of plant drugs, menthol, pine tar, chloroform, alcohol, sugar, and water. The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for coughs, bronchial catarrh, spasmodic croup, winter cough, and all diseases of the air passages.

Analysis of the Sterling Antiseptic Solution showed that it consisted essentially of boric acid, volatile oils including menthol, eucalyptol, and thymol, alcohol (27.8 percent by volume), and water. The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be an antiseptic solution and to be a germicide; whereas it was not an antiseptic solution and was not a germicide. Said article was alleged to be misbranded in that the statements, "Antiseptic Solution" and "Germ Killer", borne on the label, representing that it was antiseptic and that it was a germ killer, were false and misleading.

Analysis of the Vanillo, a dark brown liquid, showed that it contained vanillin and coumarin and small amounts of alcohol and glycerin, colored with caramel. The article was alleged to be adulterated (1) in that an imitation vanilla flavor artificially colored had been substituted for extract of vanilla beans, which the article purported to be; and (2) in that it was an imitation of vanilla flavor artificially colored with caramel so as to simulate the appearance of extract of vanilla beans, and in a manner whereby inferiority of the article to extract of vanilla beans was concealed. Said article was alleged to be misbranded in that the statement "Vanilla * * * Extract of Vanilla Beans", borne on the label, representing that it was a vanilla product and was an extract of vanilla beans, was false and misleading. The article was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 24, 1936, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $50 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

26737. Misbranding of cod liver oil. U. S. v. Samuel S. Kovacs and Joseph Weishaus (Royal Manufacturing Company of Duquesne.) Pleas of guilty. Fine, $50. (F. & D. no. 37030. Sample no. 33037–B.)

This case involved interstate shipments of an article labeled "Double 'D' Double Vitamin Strength Norwegian Cod Liver Oil." The label and package bore and contained false and misleading representations regarding the vitamin content and potency of the article, and false and fraudulent representations regarding its curative and therapeutic effects.

On September 24, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Samuel S. Kovacs and Joseph Weishaus, trading as the Royal Manufacturing Company of Duquesne, Chicago, Ill., charging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about December 1, 1934, and April 9, 1935, from the State of Illinois into the State of Missouri of a quantity of an article, labeled "Double 'D' Double Vitamin Strength Norwegian Cod Liver Oil", which was misbranded.

Analysis of a sample of the article showed that it complied with the requirements prescribed for cod-liver oil in the United States Pharmacopoeia, for free acid, unsaponifiable matter, saponification value, and iodine value, but that it did not contain double the amount of vitamins D and A contained in the best grade of cod-liver oil U. S. P.

The article was alleged to be misbranded in that statements borne on the bottle labels, on the cartons enclosing the bottles, and in an accompanying circular, representing that it was double D vitamin strength, that it was double strength, that it supplied at least twice the amount of vitamins A and D contained in the best grade of U. S. P. cod-liver oil, that the vitamin potency of the article was guaranteed to be not less than 125,000 units of vitamin A and 75,000 units of vitamin D per 100 grams, that the article was the finest grade Norwegian cod-liver oil, in which the vitamin D content had been doubled, that it would go twice as far as even the best and highest grade cod-liver oil,

that it contained double the quantity of vitamin D, that it contained twice the quantities of vitamin A and vitamin D found in ordinary cod-liver oil, that it was superior, that it represented the highest potency of natural vitamin D content, and that the natural vitamin D in the article had been standardized to contain not less than 75,000 units per 100 grams, were false and misleading. The article was alleged to be misbranded further in that statements regarding its curative and therapeutic effects, on the bottle labels, and cartons, and in a circular enclosed in the cartons, falsely and fraudulently represented that it would be effective to promote growth, to build health and vigor, to strengthen the membranes and tissues, to build sturdy bones and proper tooth structure, to make one strong and keep one well, to guard the health, to protect the health and to resist infection and disease; effective as a preventive of infectious diseases such as colds, bronchitis, and pneumonia; effective to increase the power of resistance of the body; effective as a treatment for wasting diseases, and as a remedy in all cases of chronic bronchitis.

On October 26, 1936, the defendants entered pleas of guilty and the court imposed a fine of $50.

W. R. Gregg, *Acting Secretary of Agriculture.*

26738. Adulteration and misbranding of nitrous oxide. U. S. v. Certified Laboratory Products, Ltd. Plea of guilty. Fine, $20. (F. & D. no. 37048. Sample no. 55458–B.)

This case involved an interstate shipment of an article labeled "Nitrous Oxide", and "Nitrous Oxide Gas." It differed from the standard of strength, quality, and purity prescribed for such article in the United States Pharcacopoeia, and was represented on the label as free from foreign gases or impurities, when it was not.

On June 2, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Certified Laboratory Products, Ltd., a corporation, San Francisco, Calif., charging shipment by said corporation in violation of the Food and Drugs Act on or about September 19, 1935, of a quantity of an article, labeled "Nitrous Oxide" and "Nitrous Oxide Gas", which was adulterated and misbranded.

The article was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, nitrogen monoxide, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, in that it contained gases other than nitrogen monoxide, namely, hydrogen, oxygen, and nitrogen, and its own standard of strength, quality, and purity was not declared on the container thereof.

The article was alleged to be misbranded in that the statement, "The contents of this cylinder * * * is free from * * * other foreign gases or Impurities", borne on tags attached to the containers, was false and misleading in that it represented that the article was free from foreign gases and impurities; whereas in fact it was not free from foreign gases and impurities, but contained gases other than nitrogen monoxide, namely, hydrogen, oxygen, and nitrogen.

On October 10, 1936, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $20.

W. R. Gregg, *Acting Secretary of Agriculture.*

26739. Misbranding of Wittone. U. S. v. United Distributors, Inc., and Winfield R. Offutt. Plea of guilty. Fine, $30. (F. & D. no. 37065. Sample nos. 48581–B, 48693–B, 48716–B.)

The label of this product bore false and fraudulent representations regarding its curative and therapeutic effects.

On July 13, 1936, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court an information against United Distributors, Inc., a corporation, Louisville, Ky., and Winfield R. Offutt, treasurer of said corporation, charging shipment by said corporation in violation of the Food and Drugs Act as amended, from the State of Kentucky into the States of Georgia, South Carolina, and Florida, on or about November 30, December 5, 8, and 17, 1935, of quantities of Wittone the labels of which bore false and fraudulent representations regarding its curative and therapeutic effects.

Analysis of the article showed it to be a red, aqueous liquid, the color of which was due to the presence of iron salicylate, with a sweet, cinnamon taste; and that it consisted chiefly of Epsom salt.

The article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the bottle labels, falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for indigestion, coated tongue, chronic malaria, rheumatism pains, impure blood, tired, dull, weak feeling, influenza, dysentery, bloody flux, and cholera infantum.

On October 14, 1936, the defendants entered pleas of guilty and the court imposed a fine of $30 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

26740. Misbranding of rubbing alcohol compound. U. S. v. 2,514 Bottles of Rubbing Alcohol Compound. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37090. Sample no. 44075–B.)

This case involved an interstate shipment of rubbing alcohol compound that was represented to contain ordinary (ethyl) alcohol, when it consisted of isopropyl alcohol and water; and such misrepresentation was not corrected by the relatively inconspicuous statement on the label to the effect that the article was prepared from isopropyl alcohol and did not contain ethyl alcohol.

On January 20, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of rubbing alcohol compound at Boston, Mass., alleging that it had been shipped in interstate commerce on or about November 13, 1935, by the Mills Sales Co., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act.

The article was alleged to be misbranded: (1) In that the statement on the bottle labels and on some of the shipping cartons, "Rubbing Alcohol Compound", was false and misleading, since it conveyed the impression that the article contained ordinary (ethyl) alcohol, when in fact it consisted of a mixture of isopropyl alcohol and water, and such impression was not corrected by the relatively inconspicuous statement, "The contents herein contained is prepared from Isopropyl Alcohol ($CH_3CHOHCH_3$). This preparation does not contain Ethyl Alcohol (C_2H_5OH). If taken internally will cause violent gastric disturbances * * *"; (2) in that the statement on some of the shipping cartons, "Alcohol—70%", was false and misleading, since the article did not contain 70 percent of ordinary (ethyl) alcohol but did contain 35.4 percent of isopropyl alcohol"; and (3) in that the package failed to bear upon its label a statement of the quantity or proportion of isopropyl alcohol contained therein, since the statement "Isopropyl Alcohol 70 Proof", appearing on the label, was meaningless.

On July 27, 1936, Wm. Filene's Sons Co., a corporation, claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. Gregg, *Acting Secretary of Agriculture.*

26741. Misbranding of Alco-Sponge-Rub Alcohol. U. S. v. 300 Bottles of Alco-Sponge-Rub Alcohol. Default decree of condemnation and destruction. (F. & D. no. 37289. Sample no. 50714–B.)

This case involved an interstate shipment of Alco-Sponge-Rub Alcohol that was labeled to represent that it consisted essentially of ordinary (ethyl) alcohol; when in fact it consisted essentially of isopropyl alcohol, acetone, methyl salicylate, and water.

On March 3, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 bottles of Alco-Sponge-Rub Alcohol at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about December 5, 1935, by the Wilshire Corporation from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statements appearing on the label, "Alco-Sponge-Rub Alcohol * * * For Massaging, Sponging and Customary External Uses of Alcohol", were false and misleading, since it did not consist of ordinary (ethyl) alcohol, but was a mixture of isopropyl alcohol, acetone, methyl salicylate, and water. The article was alleged to be misbranded further in that the label failed to bear a statement of the quantity

or proportion of isopropyl alcohol contained therein, since the statement on the label, "70 Proof Isopropyl", was meaningless.

On July 30, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26742. Misbranding of MyKel Tooth Powder. U. S. v. 33 Packages of MyKel Tooth Powder. Default decree of condemnation and destruction. (F. & D. no. 37475. Sample no. 63080–B.)

The packages of this product bore and contained false and fraudulent representations regarding its curative or therapeutic effects.

On March 30, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 packages of MyKel Tooth Powder at Duluth, Minn., alleging that the article had been shipped in interstate commerce on or about January 10, 1936, by the Kent Co., Inc., from Kansas City, Mo., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the tooth powder showed that it was essentially a mixture of sodium perborate and talc flavored with methyl salicylate.

The article was alleged to be misbranded in that the following statements appearing upon and within the package falsely and fraudulently represented that the article was capable of producing the curative or therapeutic effects claimed in said statements: (Carton) "* * * helps to keep gums firm * * *", and (enclosed circular) "It builds up tooth enamel, means less possibility of tooth decay. It keeps gums firm, * * * means freedom from the prevailing mouth infections. * * * It is used by Dentists as a special treatment for pyorrhea."

On July 28, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26743. Adulteration and misbranding of rubbing alcohol compound. U. S. v. 297 Bottles of Rubbing Alcohol Compound. Default decree of condemnation and destruction. (F. & D. no. 37581. Sample no. 70442–B.)

This product was misbranded as to the kind and proportion of alcohol that it contained.

On April 11, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 297 bottles of rubbing alcohol compound at Philadelphia, Pa., alleging that it had been shipped in interstate commerce on or about March 26, 1936, by the Kent Cut Rate Pharmacy, Crisfield, Md., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Rubbing Alcohol Compound Isopropyl Alcohol 70 Proof * * * Bradley Laboratory Philadelphia."

It was alleged that the article was adulterated in that it did not contain ordinary (ethyl) alcohol, but did consist of a mixture of isopropyl alcohol, acetone, and water, by reason of which its strength and purity fell below the professed standard and quality under which it was sold.

The article was alleged to be misbranded: (1) In that it did not consist of ordinary (ethyl) alcohol, but did consist of a mixture of isopropyl alcohol, acetone, and water; and (2) in that the package failed to bear upon its label a statement of the quantity or proportion of isopropyl alcohol contained in the article, since the expression "Isopropyl Alcohol 70 Proof" was meaningless.

On May 6, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26744. Misbranding of Diaplex. U. S. v. 194 Packages of Diaplex. Default decree of condemnation and destruction. (F. & D. no. 37583. Sample no. 34650–B.)

The label of this product bore false and fraudulent statements regarding its curative or therapeutic effect in the treatment of diabetes.

On April 13, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 194 packages of

an article, labeled "Diaplex for Diabetes", at Los Angeles, Calif., alleging that it had been shipped in interstate commerce on or about November 18, 1935, by Lon James from Fort Collins, Colo., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of Diaplex showed that it consisted of plant material identified as a species of *Atriplex* (saltbush).

The article was alleged to be misbranded in that statements regarding its curative or therapeutic effect, appearing on the package labels, falsely and fraudulently represented that when used as directed by such statements, it would be an effective treatment and cure for diabetes.

On May 7, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26745. Misbranding of GS. U. S. v. 17 Bottles of GS. Default decree of condemnation and destruction. (F. & D. no. 37588. Sample no. 52325–B.)

The bottle labels and packages of this product bore and contained false and fraudulent representations regarding its curative or therapeutic effects with respect to certain specified diseases.

On April 17, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 bottles of GS at Dallas, Tex., alleging that it had been shipped in interstate commerce on or about September 14, 1935, by the L. M. Gross Medicine Co., from Little Rock, Ark., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of GS showed that it consisted essentially of extracts of plant drugs, potassium iodide (0.5 gram per 100 cubic centimeters), alcohol, and water.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, appearing upon and within the packages, falsely and fraudulently represented that when used as a medicine, it would be effective as a tonic and in curing pellagra, rheumatism, and liver and kidney trouble: (Carton containing the bottle) "GS is effective and made for the sick * * * Tonic * * * GS is offered to the sick * * *"; (bottle label) "Tonic"; (circular accompanying the package) "I have used 5 bottles of GS for Pellagra and I find it to be the very best medicine for that complaint * * * I am taking GS for Pellagra and it is doing wonderful work * * * I have taken GS for Rheumatism and it sure is a fine medicine * * * Enclosed find $10 for a bottle of your GS Tonic * * * Your medicine is doing wonderful work for me. I feel that I am almost cured of that dreadful disease, Pellagra. * * * It is the only thing that helped my friends during their illness. * * * It is wonderful for Pellagra. * * * 'I have been suffering for eleven and one-half years. I was treated by 17 different physicians at Knoxville, Tennessee, and took the baths at Hot Springs, Arkansas, and various medicines. I weighed only 125 pounds. I had to sit on a pillow with one to my back and one to my lap. On February 15, 1906, I discovered what is known as GS. In 24 hours I felt relieved and in one month I was well. I haven't suffered from Rheumatism, Liver or Kidney Trouble since and now weigh 175 pounds.' At the solicitation of sufferers and their friends I have made this wonderful medicine for all who are suffering from Rheumatism or any disease of the blood, liver or Kidneys. It purifies the blood stream and carries the poison secretions out through the natural channels. When you get your blood, liver and Kidneys right you reach many diseases."

On June 18, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26746. Misbranding of Booth's Hyomei. U. S. v. 11 Cases of Booth's Hyomei. Default decree of condemnation and destruction. (F. & D. no. 37597. Sample no. 55181–B.)

The bottle label and package of this article bore and contained false and misleading representations as to the quantity of alcohol it contained, its antiseptic properties, and its curative or therapeutic effects.

On April 21, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cases, containing

bottles of Booth's Hyomei and inhalers and absorbent gauze for administering said article, at Chicago, Ill., alleging that it had been shipped in interstate commerce on or about March 6, 1936, by the Kells Co., from Newburg, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of volatile oils including eucalyptol and menthol, a small proportion of creosote, alcohol (not more than 8.9 percent by volume), and water.

It was alleged to be misbranded in that the statements, "Contains 12% Alcohol" on the bottle label, and "Contains 12½% Alcohol", "Contains 12½ Per Cent. Alcohol", and "An Antiseptic Breathing Treatment", on the cartons were false and misleading, since it contained materially less than 12 percent alcohol, and was not an antiseptic either in liquid or vapor form. Said article was alleged to be misbranded further in that it failed to bear a statement on the label of the quantity or proportion of alcohol that it contained, since the proportion of alcohol stated was incorrect. Said article was alleged to be misbranded further in that statements on the bottle label and carton, in a circular, and on a price list acompanying the package, falsely and fraudulently represented its curative or therapeutic effects with respect to catarrh of the head, nose, and throat, hay fever, catarrhal coughs and colds, bronchitis, bronchial catarrh, croup, spasmodic croup, snuffles, catarrhal laryngitis, swelling, stuffed-up head, hoarseness, husky voice, and inflamed membranes of the nose, throat, and bronchial tubes, difficult breathing, catarrhal coughs, difficult breathing or tightness in the chest, and sore throat.

On June 17, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26747. Misbranding of Anti-Itch. U. S. v. 5 Dozen Jars of Anti-Itch. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37601. Sample no. 49286–B.)

The package containing this article bore false and fraudulent representations regarding its curative or therapeutic effects.

On April 21, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5 dozen jars of Anti-Itch at Kansas City, Mo., alleging that it had been shipped in interstate commerce on or about February 8, 1936, by the Arnold Drug Co., from Topeka, Kans., and that it was misbranded in violation of the Food and Drugs Act.

Analysis of a sample of Anti-Itch showed that it consisted essentially of zinc oxide, petrolatum, and glycerin with small amounts of phenol, methyl salicylate, and a pink coloring material.

The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the label and contained in the package, "Anti-Itch (Stop That Scratch)", "For All Pruritic conditions", "A scientific treatment for eczema and other skin irritations", "Scabies (itch)", "For eczema and dry, scaly skin conditions", and "For most Skin Troubles, see how little you can use—not how much", falsely and fraudulently represented the article to be effective for all itching conditions, and to be effective for the treatment of eczema and of other skin irritations, scabies or dry, scaly skin conditions, and of most skin troubles.

The libel also alleged that the article was misbranded in violation of the Federal Caustic Poison Act, as reported in notice of judgment no. 57 published under that act.

On May 21, 1936, John B. Armstrong, Topeka, Kans., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond for relabeling.

W. R. Gregg, *Acting Secretary of Agriculture.*

26748. Misbranding of Bralot Rheumatic Tablets and Bralot Laxative Tablets. U. S. v. 29 Cartons of Bralot Rheumatic Tablets each containing a sample package of Bralot Laxative Tablets. Default decree of condemnation and destruction. (F. & D. no. 37620. Sample no. 46991–B.)

This case involved drug preparations the labeling of which bore false and fraudulent curative and therapeutic claims.

On April 20, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 cartons of Bralot

Rheumatic Tablets and Bralot Laxative Tablets at San Francisco, Calif., alleging that they had been shipped in interstate commerce on or about October 3, 1935, by the Bralot Laboratories from Gardnerville, Nev., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the rheumatic tablets showed that they consisted essentially of aminopyrine (1.1 grains per tablet) and sodium salicylate (4.1 grains per tablet), flavored with chocolate. Analysis of a sample of the laxative tablets showed that they contained emodin-bearing drugs and were merely laxative.

The articles were alleged to be misbranded in that the following statements regarding their curative and therapeutic effects, appearing upon the carton and in a circular enclosed in the carton, were false and fraudulent: (Carton) "Rheumatic * * * Tablets A treatment for Rheumatism, Sciatic, Gout, Neuralgia and Neuritis. Directions One tablet after meals and at bed time with a large glass of water. * * * Special Directions In severe cases of Rheumatis, Gout, Neuralgia or Neuritis, the dose of Bralot Rheumatic Tablets may be doubled until relief is obtained, then take one tablet four times a day as directed. It is important that the bowels be kept regular and free from constipation"; (circular) "Rheumatic Tablets Bralot Rheumatic Tablets are offered to the public as a remedy that has no superior in the treatment of Rheumatism in all its forms, including Sciatica, Muscular, Inflammatory and Articular and as a remedy for the quick relief of Lumbago, Gout, Neuritis, and Neuralgia. It is remarkably effective in Neuritis. Bralot Rheumatic Tablets not only give quick relief from aches and pains, But are intended to give complete relief—to break up the most severe and stubborn cases of Rheumatism, Neuritis, Lumbago, Gout and Neuralgia. Directions: Take one tablet, followed by a large glass of water, after each meal and at bedtime. Take four doses per day for the first two or three days in order to get the treatment thoroughly into the system at once, to stop all pains and aches immediately, then just take three doses per day after meals, as long as necessary to obtain permanent results. In severe cases the above dose may be doubled. It is important in the treatment of Rheumatism in all its forms, that the bowels be kept regular and free from constipation. Inclosed in each package of Bralot Rheumatic Tablets in a sample package of Bralot Laxative Tablets. A mild and pleasant combination of laxatives and chologogues that stimulate activity of both the muscles and secretory organs of the intestines. Suggested especially for habitual constipation. Dose: One tablet at bedtime, increased or reduced as needed. Those who have been suffering greatly during the night from Rheumatic or Neuritis pains, and have been unable to sleep for weeks at a time, will find that a dose of two Bralot Rheumatic Tablets, taken at bedtime, will give wonderful relief and they will be able to sleep soundly at night, free from all aches and pains. * * * Rheumatic Tablets."

On August 20, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26749. Adulteration and misbranding of rubbing alcohol compound. U. S. v. 140 and 716 Bottles of Rubbing Alcohol Compound. Default decrees of forfeiture and destruction. (F. & D. nos. 37648, 37649. Sample nos. 63227–B, 63228–B.)

Examination showed that this product did not consist of ordinary (ethyl) alcohol, but of a mixture of isopropyl alcohol and water; that it was short in volume; and that the label failed to bear a proper declaration of the alcoholic content.

On April 27, 1936, the United States attorney for the Western District of Wisconsin, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 140 and 716 bottles of rubbing alcohol compound at Madison, Wis., alleging that it had been shipped in interstate commerce on or about April 2 and April 6, 1936, by the Interstate Drug & Manufacturing Co., Inc., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Rubbing Alcohol Compound Isopropyl Alcohol 70 Proof * * * 16 Fluid Ounces."

It was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Rubbing Alcohol Compound", since it did not contain ordinary (ethyl) alcohol, but did consist of a mixture of isopropyl alcohol and water.

The article was alleged to be misbranded in that the statements, "Rubbing Alcohol Compound" and "16 fluid ounces", borne on the labels, were false and misleading since it did not consist of ordinary (ethyl) alcohol but did consist of a mixture of alcohol and water and the net contents were less than 16 fluid ounces; and in that it failed to bear a statement on the label of the quantity or proportion of isopropyl alcohol contained therein, since the expression "Isopropyl Alcohol 70 Proof" was meaningless.

On June 3, 1936, no claimant having appeared, judgments were entered and it was ordered that the product be forfeited and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26750. Adulteration and misbranding of rubbing alcohol compound. U. S. v. 117 Bottles of Rubbing Alcohol Compound. Default decree of condemnation and destruction. (F. & D. no. 37650. Sample no. 68736–B.)

This case involved an interstate shipment of rubbing alcohol compound that contained no ordinary (ethyl) alcohol, but consisted of a mixture of isopropyl alcohol, acetone, and water; and the label failed to bear a statement of the quantity of isopropyl alcohol present in the article.

On April 24, 1936, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 117 bottles of rubbing alcohol compound at McAlester, Okla., alleging that the article had been shipped in interstate commerce on or about February 25, 1936, by Dixie Debs Cosmetics, Inc., from Dallas, Tex., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

It was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Rubbing Alcohol Compound", since it did not contain ordinary (ethyl) alcohol, but consisted of a mixture of isopropyl alcohol, acetone, and water.

The article was alleged to be misbranded (1) in that the statement on the label, "Rubbing Alcohol Compound", was false and misleading, since it did not consist of ordinary (ethyl) alcohol, but did consist of a mixture of isopropyl alcohol, acetone, and water; and (2) in that the bottle label did not bear a statement of the quantity or proportion of isopropyl alcohol contained therein.

On July 1, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26751. Misbranding of Hi-Test Catarrh Jelly and Quality Sealed Sore Throat Remedy. U. S. v. 245 Tubes of Hi-Test Catarrh Jelly and 196 Bottles of Quality Sealed Sore Throat Remedy. Default decree of condemnation and destruction. (F. & D. nos. 37651, 37652. Sample nos. 71566–B, 71567–B.)

The label of each of these articles bore false and fraudulent representations regarding its curative or therapeutic effects, and the label of the Quality Sealed Sore Throat Remedy also bore a false and misleading representation as to the quantity of contents of the package.

On April 23, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 245 tubes of Hi-Test Catarrh Jelly and 196 bottles of Quality Sealed Sore Throat Remedy at St. Louis, Mo., alleging that the articles had been shipped in interstate commerce on or about January 9, 1936, by Sam Sorbitz and Star Jobbing Co., from Continental Drug Corporation, Alton, Ill., and that they were misbranded in violation of the Food and Drugs Act as amended.

Analysis of the Hi-Test Catarrh Jelly showed that it consisted essentially of petrolatum with small amounts of volatile oils, including menthol and eucalyptol. The article was alleged to be misbranded in that the statements appearing on the package and on the label of the container, "Catarrh Jelly * * * Application for Catarrh and Hay Fever * * * Heals raw and inflamed surfaces", falsely and fraudulently represented that it was capable of producing the curative or therapeutic effect claimed.

Analysis of the Quality Sealed Sore Throat Remedy showed that it consisted essentially of water, glycerin, potassium chlorate, tannic acid, and phenol. The article was alleged to be misbranded in that the statement appearing on the package and on the label of the container, "Sore Throat Remedy", falsely and fraudulently represented that it was capable of producing the curative and therapeutic effect claimed. Said article was alleged to be mis-

branded further in that the statement "2 Fld. Ozs.", appearing on the package, and the statement "2 ozs.", appearing on the label of the container, were false and misleading when applied to the packages of an article, each of which contained less than 2 fluid ounces thereof.

On September 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26752. Adulteration and misbranding of Lacta Kaolin Plain and Lacta Kaolin Laxative. U. S. v. 8 Cartons of Lacta Kaolin Plain and 8 Cartons of Lacta Kaolin Laxative. Default decree of condemnation and destruction. (F. & D. nos. 37655, 37656. Sample nos. 57024–B, 57025–B.)

Both products were described in an accompanying booklet as articles of food and it was represented on the labels that they could be taken freely without harmful effect, when they contained kaolin (clay), which had no food value, and they could not be taken freely as food without harmful effect; and the labels, an accompanying leaflet, and a booklet bore and contained false and fraudulent representations regarding the curative or therapeutic effect of the articles in the treatment of intestinal diseases. The Lacta Kaolin Laxative also was represented on the labels as a combination of lactose and kaolin, with the addition of 2 percent of agar-agar, flavored with cocoa, when it also contained phenolphthalein, a drug.

On April 29, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 cartons of Lacta Kaolin Plain and 8 cartons of Lacta Kaolin Laxative at Detroit, Mich., alleging that the articles had been shipped in interstate commerce on or about February 15, 1936, by the Alpha Laboratory, Inc., from Chicago, Ill., and that they were adulterated and misbranded in violation of the Food and Drugs Act.

Analysis showed that the Lacta Kaolin Plain consisted essentially of lactose, kaolin, agar, and cocoa; and that the Lacta Kaolin Laxative consisted essentially of lactose, kaolin, agar, cocoa, and phenolphthalein.

Both of the articles were alleged to be adulterated: (1) In that a nonfood substance, kaolin (clay), had been mixed and packed with them so as to reduce and lower and injuriously affect their quality and strength; and (2) in that a nonfood substance, kaolin (clay), had been substituted wholly or in part for a food, which each of the articles purported to be by reason of the statements contained in a booklet enclosed in the shipping packages, "Lacta-Kaolin (Alpha) is not a medicine. It is a food * * * being a food * * * when mixed in hot water this becomes a tasty 'chocolate drink'." Both of the articles were alleged to be misbranded in that the statements contained in the said booklet, "Lacta-Kaolin (Alpha) is not a medicine. It is a food * * * being a food * * * when mixed in hot water this becomes a tasty 'chocolate drink'", and the statement appearing on the labels, "Lacta Kaolin is absolutely harmless and can be taken freely", were false and misleading. Both were alleged to be misbranded further in that statements regarding their curative or therapeutic effects, on the carton labels and in a leaflet and booklet enclosed in the shipping packages, falsely and fraudulently represented that they were capable of overcoming intestinal putrefaction and restoring and establishing an aciduric, antiputrefactive intestinal flora; were capable of curing halitosis, or bad breath, originating in the gastro-intestinal tract; were capable of protecting or preserving the general health by changing the intestinal flora and keeping the colon free from germs of putrefaction; were capable by their action in the colon, of rendering putrefactive germs impotent and incapable of doing further harm and of checking putrefaction, reducing gas, stopping reabsorption of poisons into the blood, and cleansing the colon of the putrid germs; were capable of reducing the effects of putrefaction, of causing normal excretions from the bowels, of effecting freedom from gas, and of causing clear skin and mental alertness; were effective in the treatment of many forms of stomach and bowel trouble and constipation.

The Lacta-Kaolin Laxative was alleged to be misbranded further in that the statements, "Lacta-Kaolin Laxative", "With Addition of 2% Agar-Agar and Deliciously Flavored with Finest Grade Cocoa", and "Lacta-Kaolin is a combination of Lactose and Kaolin", borne on the label, were false and misleading, since it contained phenolphthalein.

On June 16, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26753. Adulteration and misbranding of H. P. Healing Balm. U. S. v. 280 Packages of H. P. Healing Balm. Default decree of condemnation and destruction. (F. & D. no. 37684. Sample no. 68068–B.)

This product was represented on the container and in an accompanying circular to be antiseptic, and in the circular to be harmless, when it was not antiseptic and was capable of producing lead poisoning; and the package, the container, and the circular bore and contained false and fraudulent representations regarding its curative or therapeutic effects with respect to specified diseases and ailments.

On April 28, 1936, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 280 packages of H. P. Healing Balm at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about January 6, 1936, by the H. P. Co., from Wenatchee, Wash., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of lead oleate and perfume material incorporated in an ointment base. A bacteriological test showed that it was not antiseptic.

It was alleged to be adulterated in that its strength fell below the professed standard or quality, namely, "Antiseptic", under which it was sold.

The article was alleged to be misbranded in that the statements, (container) "H. P. Antiseptic", and (circular accompanying the package) "Antiseptic * * * H. P. is a 'high powered' antiseptic * * * H. P. is a Powerful antiseptic * * * These then are the properties of this remarkable chemical compound: * * * A high powered antiseptic * * * In fact I have never had anything as a germicide or antiseptic to equal it", were false and misleading, since it was not antiseptic. It was alleged to be misbranded further in that the statements, contained in the circular, "Harmless * * * Every element destructive to tissue has been chemically neutralized. * * * Mild to use—so mild you may use it freely on baby's flesh, * * * Does not injure healthy tissue * * * There is no * * * injurious drug used in its manufacture that will deleteriously affect the skin or flesh. Use it freely on baby's flesh. * * * there can be positively no ill effects if quantities are used. * * * But to make it harmless to healthy tissue, every element destructive to tissue has been chemically neutralized * * * is harmless even to the flesh of a baby", were false and misleading since the article was a lead-oleate ointment and as such was capable of producing lead poisoning. It was alleged to be misbranded further in that statements on the package, the container, and in an accompanying circular, contained false and fraudulent representations regarding its curative or therapeutic effects with respect to piles, hemorrhoids, putrid sores, all sores and infections, proud flesh, gangrene, lead poisoning, gunshot wounds, eczema, tick bites, barber's itch, cuts, wounds, felons, boils, carbuncles, erysipelas, blood poisoning, X-ray burns, ringworm, impetigo, nasal infection, sinus trouble, hay fever, ulcers, and mercury sores.

On June 27, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26754. Misbranding of Mother Beach Stomach Tablets. U. S. v. 56 Bottles of Mother Beach Stomach Tablets. Default decree of condemnation and destruction. (F. & D. no. 37685. Sample no. 63158–B.)

The label of this product bore false and fraudulent representations regarding its curative or therapeutic effects.

On April 27, 1936, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 56 bottles of Mother Beach Stomach Tablets at Chippewa Falls, Wis., alleging that the article had been shipped in interstate commerce on or about March 3, 1936, from Cedar Rapids, Iowa, by the Shores Co., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of sodium carbonate (12.1 grains), bismuth subnitrate (9.2 grains), magnesium oxide (8 grains), and starch.

It was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the label, "Stomach Tablets Stomach troubles quickly disappear. * * * Money refunded if stomach trouble does not

disappear. Stomach sufferers, here we have a remedy that we guarantee will quickly make disappear stomach ulcers, overcomes indigestion, dyspepsia, belching, headaches, * * * bloating, bad tasting breath, * * * lack of appetite, gnawing empty feeling, lump in the stomach and other stomach symptoms. Reports show chronic and acute cases respond readily to this treatment. Seventy-five per cent of human ailments originate in the stomach. To neglect your stomach troubles is to court danger", falsely and fraudulently represented that the article would be effective in producing the effects claimed.

On June 5, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26755. Adulteration and misbranding of epinephrine chloride solution. U. S. v. 2 Packages of Epinephrine Chloride. Default decree of condemnation and destruction. (F. & D. no. 37704. Sample no. 67989–B.)

This article contained less epinephrine chloride than the quantity represented on the label.

On May 7, 1936, the United State attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two packages, each containing 12 ampoules, of an article labeled "Epinephrine 1:1000", at Denver, Colo., alleging that it had been shipped in interstate commerce on or about December 12, 1934, from St. Louis, Mo., consigned by the Cole Chemical Co., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Epinephrine 1:1000 * * * Each Ampule contains 1 CC. of a * * * 1:1000 Solution of Epinephrine Chloride."

It was alleged to be misbranded in that the statements on the package and on the cartons of the individual ampoules, "Epinephrine 1:1000 * * * Each Ampule contains 1 CC. of a * * * 1:1000 Solution of Epinephrine Chloride", were false and misleading.

On July 1, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26756. Misbranding of rubbing alcohol compound and witch hazel. U. S. v. 119 Bottles of Rubbing Alcohol Compound and 67 Bottles of Witch Hazel. Default decree of condemnation and destruction. (F. & D. nos. 37740, 37741. Sample nos. 62668–B, 62691–B.)

The rubbing alcohol compound contained no ordinary (ethyl) alcohol, but consisted of isopropyl alcohol (the quantity or proportion of which was not declared on the label), and water; and the article designated as "Double Distilled Witch Hazel or Hamamelis N.F." bore false and fraudulent curative and therapeutic claims on its label.

On May 18, 1936, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed a libel in the district court praying seizure and condemnation of 119 bottles of rubbing alcohol compound and 67 bottles of Double Distilled Witch Hazel or Hamamelis N.F. at Roanoke, Va., alleging that the articles had been shipped in interstate commerce on or about January 28, 1936, by Sheray, Inc., from New York, N. Y., and that they were misbranded in violation of the Food and Drugs Act.

The rubbing alcohol compound was alleged to be misbranded in that said description on the label was false and misleading, since it represented that the article consisted of ordinary (ethyl) alcohol, when in fact it consisted of a mixture of isopropyl alcohol, a byproduct of the petroleum-refining industry, and water. Said article was alleged to be misbranded further in that the label failed to bear a declaration of the quantity or proportion of isopropyl alcohol contained therein, since the statement "Isopropyl Alcohol 70 Proof", on the label, was meaningless.

The Double Distilled Witch Hazel or Hamamelis N.F. was alleged to be misbranded in that the statement appearing upon the label, "For the relief of * * * painful swellings, lame back, piles, sore throat, * * * rheumatism, * * * etc.", falsely and fraudulently represented that the article was capable of producing the curative or therapeutic effects claimed in said statement.

On July 16, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26757. Adulteration and misbranding of ether. U. S. v. 30 Cans of Ether. Default decree of condemnation and destruction. (F. & D. no. 37743. Sample no. 66251–B.)

This case involved an interstate shipment of ether that differed from the standard of strength, quality, and purity of ether as determined by the test laid down in the United States Pharmacopoeia, in that it contained peroxide.

On May 18, 1936, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cans of an article, labeled "Ether * * * U. S. P.", at Portland, Maine, alleging that it had been shipped in interstate commerce on or about March 21, 1936, by Merck & Co., Inc., from Rahway, N. J., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and it differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia, and its own standard was not stated upon the label.

It was alleged to be misbranded in that the statement on the label, "Ether * * * U. S. P.", was false and misleading.

On May 29, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26758. Misbranding of nitroglycerin tablets. U. S. v. 19 Bottles of Nitroglycerin Tablets. Default decree of condemnation and destruction. (F. & D. no. 37810. Sample nos. 72663–B, 72664–B.)

These tablets contained nitroglycerin in amounts greater than those represented on the labels.

On June 11, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 bottles of nitroglycerin tablets at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 21, April 23, and May 12, 1936, from Baltimore, Md., by the Standard Pharmaceutical Corporation, and that it was misbranded in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the labels of a portion of the bottles, "Tablet Triturates Nitroglycerin 1/150 Grain", and the statement on the labels of the remaining portion of the bottles, "Tablet Triturates Nitroglycerin 1/200 Grain", were false and misleading, since the article in the bottles represented to contain 1/150 grain of nitroglycerin contained in fact more than said amount thereof, namely, 1/80 grain, and the article in the bottles represented to contain 1/200 grain of nitroglycerin contained in fact more than said amount thereof, namely, 1/120 grain.

On July 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26759. Adulteration and misbranding of ether. U. S. v. 50 Cans, 17 Cans, 30 Cans, and 7 Cases of Ether. (F. & D. nos. 37754, 37769, 37812, 37820. Sample nos. 68684–B, 68687–B, 68760–B, 71390–B, 71392–B, 71420–B.)

This product differed from the standard of strength, quality, and purity for ether as determined by the test laid down in the United States Pharmacopoeia; because it contained peroxide, and its own standard was not stated on the label.

The United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court on May 21, 1936, a libel praying seizure and condemnation of 50 cans of ether at Des Moines, Iowa; the United States attorney for the Western District of Tennessee filed in the district court on May 28, 1936, a libel and on June 15, 1936, an amended libel praying seizure and condemnation of 17 cans of ether at Memphis, Tenn.; the United States attorney for the Western District of Missouri filed in the district court, on June 19, 1936, a libel praying seizure and condemnation of 7 cases of ether at Kansas City, Mo.; and the United States attorney for the Western District of Oklahoma filed in the district court on June 23, 1936, a libel praying seizure and condemnation of 30 cans of ether at Oklahoma City, Okla. The libels alleged that the article had been shipped in interstate commerce by Merck & Co., Inc., the consignment of 50 cans at Des Moines, Iowa, on or about March 31, 1936; the 17 cans at Memphis, Tenn.,

on or about May 7, 1936; the 30 cans at Oklahoma City, Okla., on or about February 1, 1936, from St. Louis, Mo.; and the 7 cases at Kansas City, Mo., on or about April 1, 1936, from Rahway, N. J.; and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, and its own standard was not stated on the label.

It was alleged to be misbranded in that the statement on the label, "Ether * * * U. S. P.", was false and misleading.

On July 8, 24, and 27, and October 20, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26760. Adulteration of chloroform. U. S. v. 48 Bottles of Chloroform. Default decree of condemnation and destruction. (F. & D. no. 37813. Sample no. 68687-B.)

This article differed from the standard of strength, quality, and purity for chloroform as determined by the test laid down in the United States Pharmacopoeia, in that it contained substances decomposable by sulphuric acid, and its own standard was not stated on the label.

On June 29, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 bottles of chloroform at Oklahoma City, Okla., alleging that it had been shipped in interstate commerce on or about March 18, 1936, by Merck & Co., Inc., from St. Louis, Mo., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, in that it contained substances decomposable by sulphuric acid, and its own standard was not stated on the label.

The article was alleged to be misbranded in that the statement on the label, "Chlorofrom * * * U. S. P.", was false and misleading.

On July 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26761. Misbranding of Bowman's Red Lax-Tiv. U. S. v. 35 Dozen Bottles of Bowman's Red Lax-Tiv. Default decree of condemnation and destruction. (F. & D. no. 37748. Sample no. 68233-B.)

The packages of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On or about May 21, 1936, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 dozen bottles of Bowman's Red Lax-Tiv at Richmond, Ind., alleging that the article had been shipped in interstate commerce on or about February 29, 1936, by the Bowman Bros. Drug Co., from Canton, Ohio, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of emodin-bearing drugs and aloe.

The article was alleged to be misbranded in that the following statements, contained in a circular enclosed in the package, falsely and fraudulently represented that it was capable of producing the curative or therapeutic effect claimed in said statements: "The Pleasant Road to Health—Are you Sick? Lots of folks are, men, women, and children; and statistics show that about seventy-five percent of ordinary sickness can be traced either directly or indirectly to constipation which has become almost a national menace. When the muscles of the lower bowel fail to work, then the waste matter that has rested there becomes a fermenting mass of poisons which are then thrown back into the blood stream. This opens the body to all kinds of disease—adults become tired, nervous and ill tempered. Headaches and many other aches due to a poisoned blood stream, prevail. Appetite is lost and the entire system is open to most any germ that may attack it. Children become fretful, puny and feverish, making life miserable for themselves and parents. Want

to keep well? Most folks do. Then the best plan is to head off a large per cent of sickness by avoiding constipation. When this reeking poisonous mass of waste matter caused by constipation begins to cast off its poisons, these muscles of the lower bowel must be relaxed and the waste matter removed and cleaned out. This usually gives quick relief. There are many medicines for this purpose, most of them harsh and destructive in their action. However, a new modern Scientific Remedy is now at your service—that puts you back in Health Land over a pleasant Path. Use Bowman's Red Lax-Tiv Pills. They exert a healthy tonic-like action on the liver and bowel."

On July 25, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26762. Misbranding of Arcady Roost Paint. U. S. v. 36 Quart Cans, 59 Pint Cans, and 48 Half-Pint Cans of Arcady Roost Paint. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37764. Sample no. 63129–B.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On May 26, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 143 quart, pint, and half-pint cans of Arcady Roost Paint at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce in part on or about October 19, 1935, and in part on or about December 23, 1935, by the Arcady Laboratories, Inc., from Chicago, Ill., and charging misbranding in violation of the Food and Drug Act as amended.

Analysis of a sample of the article showed that it consisted chiefly of water, nicotine, coal-tar neutral oils, phenols, and rosin soaps.

The article was alleged to be misbranded in that the statement "For Poultry Health", borne on the can label, was a statement regarding the curative and therapeutic effects of the article and was false and fraudulent.

The libel also charged violation of the Insecticide Act of 1910, reported in notice of judgment no. 1513 published under that act.

On November 18, 1936, the Arcady Laboratories, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled.

W. R. Gregg, *Acting Secretary of Agriculture.*

26763. Misbranding of Kojene. U. S. v. 12 Dozen Packages of Kojene. Default decree of condemnation and destruction. (F. & D. no. 37817. Sample no. 70798–B.)

The packages of this product bore and contained false and fraudulent representations regarding its curative or therapeutic effects.

On June 18, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 dozen packages of Kojene at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about May 14, 1936, by Kojene Products Corporation from Rochester, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of oxyquinoline sulphate, sulphur dioxide, and water flavored with methyl salicylate.

The article was alleged to be misbranded in that the statements appearing upon and within the package falsely and fraudulently represented that it was capable of producing the curative and therapeutic effects claimed in said statements: (Label on the bottle) "After extraction—to prevent infection, relieve soreness and promote healing—use one part Kojene to three parts warm water rinsing the mouth thoroughly every half hour. Kojene may be used full strength—as an aid in the treatment of Pyorrhea, Trench Mouth, Gingivitis, Soft Spongy Bleeding Gums—before and after instrumentation. * * * Ulcers—Old Sores, Skin Affections, use freely as above. Tonsilitis—Pharyngitis—Most Common Throat Affections. Dilute one part Kojene with two or three parts warm water and instruct the patient to gargle every hour"; (accompanying circular) "Important—The extraction of a tooth or other laceration of an oral membrane may be likened to a surgical operation following

which is the danger of infection. To protect you from this danger, you are given this prescription and the following instructions: Do not destroy blood clot—Do not touch the socket from which a tooth has been extracted, with fingers or tooth picks. The blood clot which forms is nature's method of healing; don't disturb it. Excessive bleeding—In cases of excessive bleeding, use cold applications to the face. If bleeding does not stop, place pad of cotton or gauze over wound and hold in place by keeping jaws firmly closed for ten minutes. If bleeding persists, call your dentist who gave you this prescription. The mouth is a natural field for infection, relieve soreness * * * rinse the mouth thoroughly every half hour with a warm solution of Kojene, using one part Kojene to three parts water, and hold same in mouth for a minute or two each time used."

On July 14, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26764. Adulteration and misbranding of H. P. Healing Balm. U. S. v. 191 Packages of H. P. Healing Balm. Default decree of condemnation and destruction. (F. & D. no. 37823. Sample no. 73728–B.)

The label on the container of this article and an accompanying circular bore and contained false and misleading representations that it was antiseptic; the circular contained false and misleading representations that it was harmless, without injurious ingredients, and incapable of injurious or deleterious effects; and the package, the label on the container, and the accompanying circular bore and contained false and fraudulent curative or therapeutic claims.

On June 20, 1936, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 191 packages of H. P. Healing Balm at Ogden, Utah, alleging that it had been shipped in interstate commerce on or about January 6, 1936, by the H. P. Co., from Wenatchee, Wash., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of lead oleate and perfume material incorporated in an ointment base; bacteriological examination showed that it was not antiseptic.

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Antiseptic", since it was not antiseptic.

The article was alleged to be misbranded in that the following statements, appearing on the label of the container and in a circular accompanying the package, were false and misleading in that they represented that it was antiseptic; whereas in fact it was not: (Label on the container) "H. P. Antiseptic"; (circular) "Antiseptic * * * H. P. is a 'high powered' antiseptic * * * These then are the properties of this remarkable chemical compound: * * * A high powered antiseptic * * * In Fact I Have Never Had Anything As A Germicide Or Antiseptic To Equal It. * * * Use This Powerful But Harmless Antiseptic." It was alleged to be misbranded further in that the following statements, contained in a circular accompanying the package, were false and misleading in that they represented that the article was harmless and incapable of producing injurious or deleterious effects; whereas it was a lead-oleate ointment and as such was capable of producing lead poisoning: "Harmless * * * Every Element Destructive To Tissue Has Been Chemically Neutralized. * * * Mild To Use—so mild you may use it freely on Baby's Flesh, * * * Does not injure healthy tissue * * * There is no * * * injurious drug used in its manufacture that will deleteriously affect the skin or flesh. Use It Freely on Baby's Flesh. * * * there can be positively no ill effects if quantities are used. * * * But to make it Harmless To Healthy Tissue, Every Element Destructive To Tissue Has Been Chemically Neutralized. * * * is harmless even to the flesh of a baby." The article was alleged to be misbranded further in that statements contained in a circular accompanying the package, regarding its curative or therapeutic effects with respect to piles, hemorrhoids, putrid sores, old sores, proud flesh, gangrene, lead poisoning, gunshot wounds, all kinds of sores, and infections, eczema, tick bites, bee stings, barber's itch, cuts, wounds, felons, boils, carbuncles, erysipelas, blood poisoning, X-ray burns, ringworm, impetigo, septi-

cemia, pyemia, nasal infections, sinus trouble, hay fever, ulcers, mercury sores, and varicose ulcers, were false and fraudulent.

On October 12, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26765. Adulteration and misbranding of E-L Nicotine Kamala Tablets. U. S. v. 15,000 E-L Nicotine Kamala Tablets. Default decree of condemnation and destruction. (F. & D. no. 37824. Sample no. 75257–B.)

This case involved an interstate shipment of Nicotine Kamala Tablets which contained less nicotine than declared and which were labeled with false and fraudulent therapeutic and curative claims.

On June 23, 1936, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15,000 E-L Nicotine Kamala Tablets at Scranton, Pa., alleging that they had been shipped in interstate commerce on or about May 27, 1936, by Economy Laboratories from Peoria, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the tablets consisted of extracts of plant drugs including kamala and nicotine (0.77 grain per tablet), and a small proportion of calomel.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, (package label) "Each Tablet Contains: * * * Nicotine 1.1 gr."

It was alleged to be misbranded in that the statement on the label, "Each tablet contains: * * * Nicotine 1.1 gr.", was false and misleading. The article was alleged to be misbranded further in that the following statements regarding its curative and therapeutic effects, appearing on the label, were false and fraudulent: "* * * An aid in the treatment of Chickens, Turkeys, Pullets, Poults, and all domestic fowls infested with * * * Tape Worms (Cestodes) * * * The above are the exact amounts of Nicotine and Kamala as recommended by the best poultry authorities as being effective * * * tape worm control."

On August 6, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26766. Misbranding of carbon tetrachloride compound. U. S. v. 2 Bottles of Solution Carbon Tetrachloride Compound. Default decree of condemnation and destruction. (F. & D. no. 37843. Sample no. 64570–B.)

This product contained carbon tetrachloride, a potentially dangerous drug, greatly in excess of the amount declared on the label.

On July 1, 1936, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two bottles of solution of carbon tetrachloride compound at Sylvania, Ga., alleging that it had been shipped in interstate commerce on or about May 6, 1935, by the National Drug Co., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Solution Carbon Tetrachloride Comp. Carbon Tetrachloride 61 grs. Aromatics, Castor Oil Each Q. S. 1 Fl. Oz."

Analysis showed that it contained 109.5 grains of carbon tetrachloride per fluid ounce.

Misbranding was alleged for the reason that the statement on the label, "Carbon Tetrachloride 61 grs. * * * Q. S. 1 Fl. Oz.", was false and misleading since the article contained more than 61 grains of carbon tetrachloride per fluid ounce.

On August 11, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26767. Misbranding of Nervo-Rumat Liniment. U. S. v. 114 Bottles of Nervo-Rumat Liniment. Default decree of condemnation and destruction. (F. & D. no. 37866. Sample no. 72789–B.)

The package containing this product failed to bear a statement of the quantity or proportion of alcohol contained therein, and did bear false and fraudulent representations regarding its curative or therapeutic effects.

On July 6, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 114 bottles of Nervo-Rumat Liniment at Red Bank, N. J., alleging that it had been shipped in interstate commerce on or about June 4, 1936, by Joe Bennett from the Royal Sundries Corporation, New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of immiscible liquids including turpentine, alcohol (32 percent by volume), water, and small proportions of camphor and insoluble material in suspension.

It was alleged to be misbranded in that the package failed to bear a statement of the quantity or proportion of alcohol contained therein. The article was alleged to be misbranded further in that the following statements appearing on the package falsely and fraudulently represented that it was capable of producing the curative or therapeutic effects claimed in said statements: "Nervo-Rumat Liniment * * * This liniment is recommended in the treatment of Rheumatism, Lumbago * * * Poor Blood Circulation, Pleurisy * * * Nervo-Rumat Liniment, for the treatment of Rheumatism, Lumbago * * * Poor Blood Circulation, Pleurisy * * * etc. * * * pain and suffering."

On September 25, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the article be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26768. Adulteration and misbranding of Tam. U. S. v. 96 Dozen Jars of Tam. Default decree of condemnation and destruction. (F. & D. no. 37919. Sample no. 12929–C.)

This product was represented to consist of natural laxative fruits concentrated into a jam, and to contain no drugs; but was not a jam and did contain senna leaves, a drug. The package bore false and fraudulent curative or therapeutic claims.

On July 30, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 dozen jars of Tam at Washington, D. C., alleging that it had been shipped in interstate commerce on or about July 10 and July 21, 1936, by E. Fougera & Co., Inc., from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of senna-leaf tissues, fig tissues and seeds, prune tissues, tissues of Carthartocarpus fruit, and starches, contaminated with mold.

It was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, "Contains 100% pure natural laxative fruits", in that the chief laxative ingredient was senna leaves and not natural laxative fruits.

The article was alleged to be misbranded in that the statements "Contents 100% pure natural laxative fruits extracted and concentrated into a delicious jam", and "No drugs", were false and misleading, since it contained senna leaves and was not a jam. It was alleged to be misbranded further in that the statements, "Safe even for tiniest tot * * * Produces normal evacuation. No griping * * * To regulate bowels—For a few nights take a teaspoonful nightly; then every second night until normal", appearing upon the packages, falsely and fraudulently represented that it was capable of producing the curative or therapeutic effect claimed.

On September 30, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26769. Misbranding of Jermite A Poultry Tonic, Blu-V-Spray, and Jermite Wormer. U. S. v. Tim Lake Products, Inc., and Henry F. J. Lake. Pleas of guilty. Fines, $75 and costs. (F. & D. no. 37927. Sample nos. 41215–B, 41216–B, 52713–B, 52714–B, 52715–B.)

The packages or labels of each of these articles bore or contained false and fraudulent representations regarding their curative or therapeutic effects.

On October 16, 1936, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Tim Lake Products, Inc., and Henry

F. J. Lake, president of said corporation, Des Moines, Iowa, charging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about September 17, 1935, from the State of Iowa into the State of Missouri of a quantity of Jermite A Poultry Tonic that was misbranded; on or about September 18 and October 25, 1935, from the State of Iowa into the States of Minnesota and Missouri quantities of Blu-V-Spray which was misbranded; and on or about October 25 and November 11, 1935, from the State of Iowa into the States of Minnesota and Missouri of quantities of Jermite Wormer which was misbranded.

Analysis of Jermite Poultry Tonic showed that it consisted essentially of iron, copper, magnesium and sodium sulphates, ferric salicylate, glycerin, anise oil, and water. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the containers and cartons and contained in an accompanying circular, falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for diseases of poultry, loss of appetite, digestive and many intestinal disorders, simple diarrhea, bowel complaint, ordinary limber-neck, swelled head and poisoning by moldy or spoiled foods; and effective to keep the entire flock clean inside, to insure healthier and stronger chicks at all times, to keep the intestines practically free from mucus, to kill disease germs in poultry, to control and regulate the bowel system, and to prevent and relieve diarrhea.

Analysis of Blu-V-Spray showed that it consisted essentially of water with small amounts of formaldehyde, glycerin, menthol, thymol, eucalyptol, methyl salicylate, pine oil, salicylic acid, and a blue coloring matter. Said article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the labels of the containers or on the packages, falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for infectious ailments of the head, throat, and respiratory organs, for gapes, bronchitis, intestinal flu, head colds, and other respiratory ailments in poultry.

Analysis of Jermite Wormer showed that it consisted essentially of iron, copper, magnesium and sodium sulphates, salicylic acid, anise oil, oleoresin of aspidium, and water. Said article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the labels of the containers or on the packages, falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for worms in poultry, and effective to clean the intestinal tract and bowel region of certain impurities including pinworms, roundworms, or tapeworms.

On October 23, 1936, pleas of guilty were entered by the defendants and the court imposed a fine of $75 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

26770. Misbranding of British Oil and citrate of magnesia. U. S. v. 156 Bottles of British Oil and 126 Bottles of Citrate of Magnesia. Default decrees of condemnation and destruction. (F. & D. nos. 38219, 38220. Sample nos. 13282–C, 13283–C.)

The package of the British Oil bore false and fraudulent representations regarding its curative or therapeutic effects. The article designated on the label as citrate of magnesia was deficient in its essential constituents.

On August 27, 1936, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 156 bottles of British Oil, and 126 bottles of citrate of magnesia at Savannah, Ga. It was alleged that the said articles had been shipped in interstate commerce on or about May 14, 1936, by Levy Products, Inc., from Tampa, Fla., and that they were misbranded in violation of the Food and Drugs Act.

Analysis of a sample of the British Oil showed that it was crude petroleum containing turpentine and other oils.

Analysis of the article "Citrate of Magnesia" showed that it contained less citric acid and less magnesium oxide than the standard prescribed for said substance in the United States Pharmacopoeia.

The British Oil was alleged to be misbranded in that the following statements appearing on the bottle wrapper falsely and fraudulently represented that it was capable of producing the curative or therapeutic effects claimed in said statements: "It is recommended as a relief for all scorbutic and rheumatic disorders, contusions and contractions of the nerves, for all wandering and other pains, palsy, lameness, swelling and inflammations; * * * for fresh

wounds or cuts * * * for deafness, coughs, shortness of the breath, etc. Directions for Use. In case of pain or swelling, bathe the part affected, before the fire, night and morning, and cover it with flannel. For fresh wounds or ulcers, dip a little lint in the oil, and apply it to the wound or ulcerated part. For deafness, drop five drops in the ears, stopping them close with wool, and repeat it as occasion requires. For consumption, phthisis and inward disorders, let the patient, if a grown person, take 18 or 20 drops at first, night and morning, in a glass of white wine or ale, or on a lump of sugar, and increase the dose according to the strength and constitution of the patient, or as occasion may require, till it comes to half a teaspoonful or more, always beginning with a small dose; and the like proportion to those of younger years."

The citrate of magnesia was alleged to be misbranded in that the statement "Citrate of Magnesia", the name of the article appearing upon the bottle label, was false and misleading when applied to an article that was not citrate of magnesia.

On September 21, 1936, no claimant having appeared in either case, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26771. Adulteration and misbranding of Mulford Acidophilus Bacillus Blocks. U. S. v. 6 Packages, 23 Packages, and 11 Packages of Mulford Acidophilus Bacillus Blocks. Default decrees of condemnation and destruction. (F. & D. nos. 38228, 38284, 38328. Sample nos. 8123–C, 15608–C, 15654–C.)

These cases involved interstate shipments of Mulford Acidophilus Bacillus Blocks that were capable of providing only a small proportion of the quantity of viable acidophilus bacilli represented on the label.

The United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court on August 31, 1936, a libel praying seizure and condemnation of 6 packages; on September 10, 1936, a libel praying seizure and condemnation of 23 packages; and on September 21, 1936, a libel praying seizure and condemnation of 11 packages of Mulford Acidophilus Bacillus Blocks. It was alleged in the libels that the article had been shipped in interstate commerce on or about June 23, July 2, July 13, August 28, and September 11, 1936, by Sharp & Dohme, Inc., from Philadelphia, Pa., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article in the lot of six packages was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Mulford Acidophilus Bacillus Blocks * * * When properly kept, each Block will include, at the time of sale, millions of viable acidophilus bacilli * * * Expiration Date Sep 6 1936", in that the number of viable lactobacilli did not exceed 50,000 per block and the dosage of viable lactobacilli recommended in medical literature was in millions of organisms. The article in said six packages was alleged to be misbranded in that the statements, (on the wrapper of the package) "Mulford Acidophilus Bacilli Blocks * * * When properly kept, each Block will include, at the time of sale, millions of viable acidophilus bacilli * * * Expiration Date Sep 6 1936", and (in a circular accompanying the package, in English and Spanish) "Mulford Acidophilus Bacillus Blocks are merchandised with an expiration date of six weeks. This dating period provides a factor of safety by insuring a sufficient number of viable B. acidophilus in the daily dosage as indicated", were false and misleading in that the number of viable lactobacilli did not exceed 50,000 per block and the dosage of viable lactobacilli recommended in medical literature was in millions of organisms.

The article in the lot of 23 packages was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Mulford Acidophilus Bacillus Blocks * * * When properly kept, each Block will include, at the time of sale, millions of viable acidophilus bacilli * * * Expiration date Oct 11 1936", in that the number of viable acidophilus bacilli did not exceed 10,000 per block and the dosage of viable lactobacilli recommended in medical literature is in millions of organisms. The article in said 23 packages was alleged to be misbranded in that the statements (on the wrapper of the package), "Mulford Acidophilus Bacillus Blocks * * * When properly kept, each Block will include, at the time of sale, millions of viable acidophilus bacilli * * * Expiration date Oct 11 1936", and (in a circular accompanying the package, in English and Spanish)

"Mulford Acidophilus Bacillus Blocks are merchandised with an expiration date of six weeks. This dating period provides a factor of safety by insuring a sufficient number of viable B. acidophilus in the daily dosage as indicated", were false and misleading in that the number of viable lactobacilli did not exceed 10,000 per block and the dosage of viable lactobacilli recommended in medical literature was in millions of organisms.

The article in the lot of 11 packages was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Mulford Acidophilus Bacillus Blocks * * * When properly kept, each Block will include, at the time of sale, millions of viable acidophilus bacilli", in that the number of viable lactobacilli in some of the blocks did not exceed 40,000 per block and the dosage of viable lactobacilli recommended in medical literature was in millions of organisms. The article in said 11 packages was alleged to be misbranded in that the statements (on the wrapper of the package) "Mulford Acidophilus Bacillus Blocks * * * When properly kept, each Block will include, at the time of sale, millions of viable acidophilus bacilli * * * Expiration Date Oct 16 1936", and (in a circular accompanying the package, in English and Spanish) "Mulford Acidophilus Bacillus Blocks are merchandised with an expiration date of six weeks. This dating period provides a factor of safety by insuring a sufficient number of viable B, acidophilus in the daily dosage as indicated", were false and misleading in that the number of viable lactobacilli in some of the blacks of said article did not exceed 40,000 per block and the dosage of viable lactobacilli recommended in medical literature is in millions of organisms.

On October 2 and October 21, 1936, respectively, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26772. Misbranding of Olivo Hair Tonic and Olivo Hair Oil. U. S. v. 240 Bottles of Olivo Hair Tonic and 174 Jars of Olivo Hair Oil. Default decree of condemnation and destruction. (F. & D. nos. 38240, 38241. Sample nos. 9181–C, 9182–C.)

The Olivo Hair Tonic was represented on the bottle labels and in an accompanying circular to contain olive oil, and in the circular, to be an Italian article and a food for the scalp; whereas it did not contain any olive oil and it was not a food for the scalp. Moreover, the label failed to state the quantity or proportion of alcohol that it contained. The Olivo Hair Oil was represented on the jar labels to be an olive-oil preparation and an Italian article; whereas it was not an olive-oil preparation and it was not an Italian article. The bottle label and the wrapper of the Olivo Hair Tonic, and the jar label of the Olivo Hair Oil, bore false and fraudulent curative or therapeutic claims.

The United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court on September 4 and 5, 1936, libels praying seizure and condemnation of 240 bottles of Olivo Hair Tonic and of 174 jars of Olivo Hair Oil, respectively, at New York, N. Y., alleging that the articles had been shipped in interstate commerce on or about August 19, 1936, by the Zala Perfumery Co., from Philadelphia, Pa., and that they were misbranded in violation of the Food and Drugs Act as amended.

Analysis of the Olivo Hair Tonic showed that it consisted essentially of denatured alcohol (71 percent), an oil that was largely or wholly castor oil (approximately 19 percent), and small amounts of glycerin, resorcinol, perfume, and coloring material. Analysis of the Olivo Hair Oil showed that it consisted essentially of petrolatum, a fatty oil (not over 2 percent), and a small amount of resorcinol.

The Olivo Hair Tonic was alleged to be misbranded: (1) In that the statements, "Olivo * * * Olivo Hair Tonic contains olive oil", borne on the label, were false and misleading in that they represented that it contained olive oil, whereas it did not contain olive oil; (2) in that the statements, "Olivo * * * Contains Genuine Italian Olive Oil * * * * is a preparation containing Olive Oil", contained in a circular accompanying the bottles, were false and misleading in that they represented that the article contained genuine Italian olive oil and was a preparation containing olive oil, whereas it did not contain genuine Italian olive oil and was not a preparation containing olive oil; (3) in that the statement, "(The Scalp Food Supreme)", contained in said circular, was false and misleading in that it represented that the article was a food for the scalp, whereas it was not a food for the scalp;

(4) in that the statement "Genuine Italian", contained in said circular, was false and misleading with respect to the geographical origin of the article, since it was not a genuine Italian article; and (5) in that the package failed to bear on its label a statement of the quantity or proportion of alcohol contained in the article. Said article was alleged to be misbranded further in that the following statements contained false and fraudulent curative or therapeutic claims: (Bottle labels) "Perfect * * * Dandruff Remedy * * * This preparation applied to scalp prevents Dandruff and Eczema. Keeps the hair from falling, strengthens the growth * * * Tonic. * * * for the eradication of dandruff and to aid in the destruction of bacteria infesting the scalp. * * * for the purpose of * * * keeping the scalp in a healthy normal condition. * * * If properly used marvelous results will be obtained for all kinds of scalp ailments. * * * First massage the scalp with the palm and finger tips for 90 seconds. This will awaken dormant hair cells and stimulates scalp action. Then apply Olivo Hair Tonic—rub lightly until it is absorbed by the corium. Repeat this treatment twice a week until desired results are obtained"; (wrapper around the bottles) "Tonic * * * Guaranteed to Eradicate Dandruff End Itchy Scalp Stop Falling Hair * * * Prevents Dandruff, Eczema. Retards falling hair, * * * One of the most important marks * * * is a healthy, well kept head of hair. * * * for the purpose of * * * keeping the scalp in a healthy normal condition. * * * Olivo will promote the growth of hair by preventing dandruff and eczema, * * * If properly used, marvelous results will be obtained for all kinds of scalp ailments. The medicinal ingredients in this preparation are beneficial for the eradication of dandruff and aid in the destruction of scalp bacteria. * * * First massage the scalp with the palm and finger tips for 90 seconds. This will awaken dormant hair cells and stimulates scalp action. Then apply Olivo—rubbing lightly until it is absorbed by the corium."

The Olivo Hair Oil was alleged to be misbranded: (1) In that the word "Olivo", appearing in the labeling, was false and misleading in that it represented that the article was an olive-oil preparation, whereas it was not an olive-oil preparation; and (2) in that the statement "Genuine Italian", appearing in the labeling, was false and misleading with respect to the geographical origin of the article, since it was not a genuine Italian article. Said article was alleged to be misbranded further in that the following statements, appearing upon the label, contained false and fraudulent curative or therapeutic claims: "This preparation applied to scalp prevents Dandruff and Eczema. Keeps the hair from falling strengthens the growth."

On September 24, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26773. Misbranding of Chambers' Pills, Chambers' Cold Tablets, and Help Nature Tablets. U. S. v. 21 Boxes of Chambers' Pills, 9 Boxes of Chambers' Cold Tablets, and 21 Boxes of Help Nature Tablets. Default decrees of condemnation and destruction. (F. & D. nos. 38268, 38269, 38270. Sample nos. 5514-C, 5515-C, 5516-C.)

The packages or labels of these products contained false and fraudulent representations regarding their curative or therapeutic effects; the label of Chambers' Cold Tablets bore a false and misleading representation that they would produce no bad effects.

On September 15, 1936, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 21 boxes of Chambers' Pills, 9 boxes of Chambers' Cold Tablets, and 21 boxes of Help Nature Tablets at Highland, Ohio. It was alleged that the articles had been shipped in interstate commerce on or about June 15, 1936, by Chambers' Medicine Co. from St. Louis, Mo., and that they were misbranded in violation of the Food and Drugs Act as amended.

Analysis of Chambers' Pills showed that they consisted essentially of potassium nitrate, potassium carbonate, and plant drugs including buchu, coated with calcium carbonate and green-colored sugar. Said article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the packages and contained in a circular enclosed therein, falsely and fraudulently represented that the article would be effective as a remedy for kidney complaints and diseases arising from disorders of the kidneys and bladder, such as backache, weak back, rheumatism, dropsy, congestion of the kidneys, inflammation of the bladder, scalding urine and urinary trouble; effective to

clean the system and purify the blood; effective as a remedy or cure for pains in the back, scanty urine, too frequent desire to urinate, depressed and tired feeling, aching limbs, restlessness at night, irritability, continuous thirst, pains in the groin, sediment in the urine, burning sensation, backache or weak back, irritation of the bladder; effective as a preventive of serious troubles, such as gallstones, gravel, diabetes, and Bright's disease; effective as a remedy or cure for kidney and bladder troubles and as a preventive of kidney diseases in women; effective as a remedy or cure for excessive discharges, leucorrhea or whites, and sediment in the urine; effective to assist the kidneys in passing off uric poison from the system, and to relieve dragging pains, aching joints, and irritated and inflamed parts due to the presence of such poisons; and effective to ease aches and pains in the region of the kidneys and bladder, and to enable the kidneys to pass off the poisons that cause irritation and inflammation in the bladder and urinary tract.

Analysis of Chambers' Cold Tablets showed that they consisted essentially of acetanilid, and plant drugs including a laxative plant drug. Said article was alleged to be misbranded in that the statement "No Bad Effects", borne on the package labels, was false and misleading since it contained acetanilid, which might produce bad effects. Said article was alleged to be misbranded further in that statements regarding its curative or therapeutic effects, borne on the package label, falsely and fraudulently represented that it would be effective as a treatment or remedy for la grippe; effective as a remedy for coughs, and to relieve the cough and the feverish conditions usually associated with colds; and effective to arouse the liver and all the secretions to action.

Analysis of the Help Nature Tablets showed that they consisted essentially of phenolphthalein, and plant drugs including a laxative plant drug. Said article was alleged to be misbranded further in that the following statements borne on the box labels, regarding its curative and therapeutic effects, were false and fraudulent: "For * * * Dyspepsia. * * * Better Than Pills for Liver Trouble * * * For the Stomach, Kidneys, Liver and Blood."

On October 26, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26774. Misbranding of Silver Crown Hair-Scalp Tonic. U. S. v. 69 Bottles, 65 Bottles, 69 Bottles, and 18 Cases of Silver Crown Hair-Scalp Tonic. Default decrees of condemnation and destruction. (F. & D. nos. 38108, 38276, 38277, 38905. Sample nos. 66598-B, 11871-C, 11872-C, 12152-C.)

A circular enclosed in the packages containing this product represented that it contained no alcohol, when it did contain alcohol; the packages failed to bear a statement of the quantity or proportion of alcohol that it contained, and the packages and the enclosed circular bore and contained false and fraudulent representations regarding its curative or therapeutic effects.

On August 4 and September 14, 1936, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 134 bottles of Silver Crown Hair-Scalp Tonic at Providence, R. I., and 69 bottles at West Warwick, R. I. On January 5, 1937, the United States attorney for the District of Massachusetts filed in the district court a libel praying seizure and condemnation of 18 cases of such article at New Bedford, Mass. It was alleged that it had been shipped in interstate commerce on or about March 26 and April 8, 1936, by the Silver Crown Remedies Co., from Kingston, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analyses of samples of the article showed that it consisted essentially of water, alcohol (from 1 to 1.6 percent by volume), quinine hydrochloride, glycerin, and small quantities of iron compounds, sodium compounds, sulphates, perfume, and coloring material.

The article was alleged to be misbranded: (1) In that the statement "containing * * * no alcohol", appearing in a circular enclosed in the packages, was false and misleading in that it did contain alcohol; (2) in that the packages failed to bear a statement of the quantity or proportion of alcohol contained therein; (3) in that the following statements regarding its curative or therapeutic effects, borne on the bottle labels and contained in an accompanying circular, falsely and fraudulently represented that it was capable of producing the effects claimed in said statements: (Bottle label) "Tonic A scientific remedy guaranteed to be effective when applied to the scalp for Dandruff, Itching Scalp, Falling Hair, Eczema and other Scalp Conditions. * * * Apply daily until the condition lessens, then every other day until

the condition begins to cease. Thereafter apply a couple times a week until the scalp condition has been sufficiently checked"; (circular) "Tonic A guaranteed scientific remedy for application in slight or severe cases of excessive Dandruff, Itching Scalp, Scaly Scalp, Eczema, Falling Hair and other scalp conditions. * * * highly beneficial in preserving the hair and scalp * * * its medication counteracts the unhealthy scalp condition * * * producing a healthy scalp. Silver Crown is excellent for Eczema too—it's healing."

No claimant having appeared, judgments of condemnation were entered on September 2 and October 5, 1936, and February 8, 1937; and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26775. Misbranding of Parkelp. U. S. v. 12 Packages of Parkelp. Default decree of condemnation and destruction. (F. & D. nos. 38288, 38289. Sample nos. 4936–C, 4937–C.)

This case involved a circular which contained false and fraudulent representations regarding its curative or therapeutic effect.

On September 12, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 packages of Parkelp at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about March 19, 1936, by Philip R. Park, Inc., from Chicago, Ill., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of plant material (chiefly kelp), yielding ash containing compounds of chlorine, potassium, sodium, calcium, phosphorus, and iodine.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effect, borne on a circular enclosed in the packages, were false and fraudulent: "Aids Digestion. If you suffer from weak stomach, indigestion or intestinal sluggishness due to lack of food minerals, Parkelp will help you. Parkelp is Nature's own concentrated Sea Food which provides in the diet these food minerals needed for the 'chemistry of digestion'." Thousands of people are now using Parkelp regularly because they have found that it solved their problem. Give Parkelp a fair trial (3 to 4 weeks) and we are confident that you, too, will feel a new vigor, a new lease on life."

On October 28, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26776. Adulteration and misbranding of glycerin, arsenic trioxide, phenol crystals, sodium borate powder, powdered borax, aromatic spirit of ammonia, sodium biphosphate, zinc oxide, liquor cresolis compositus, and lemon extract. Misbranding of vanilla extract, syrup of hypophosphites, hydrogen peroxide solution, oil of cottonseed, and Good's Dog Soap. U. S. v. James Good, Inc., and John J. Cram. Pleas of nolo contendere. Judgments of guilty. James Good, Inc., fined $300. John J. Cram given suspended sentence and placed on probation. (F. & D. no. 33867. Sample nos. 41451–A, 41452–A, 50633–A, 56687–A, 58845–A, 61146–A, 62165–A, 62170–A, 62182–A, 62200–A, 62517–A, 76402–A, 3382–B, 3912–B, 4013–B, 4503–B, 4663–B, 5080–B, 26099–B, 38558–B.)

This case involved the following products: Glycerin, arsenic trioxide, phenol crystals, sodium borate powder, powdered borax, aromatic spirit of ammonia, sodium biphosphate, zinc oxide, and liquor cresolis compositus, products recognized in the United States Pharmacopoeia but which differed from the standards laid down in that authority and were not labeled to show their own standards; lemon extract that was deficient in lemon oil and contained less alcohol than declared on the label; vanilla extract that was short in volume and contained less alcohol than declared; syrup of hypophosphites, hydrogen peroxide solution, and oil of cottonseed that were short in volume; and Good's Dog Soap the labeling of which contained false and fraudulent curative and therapeutic claims.

On March 11, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against James Good, Inc., a Delaware corporation trading at Philadelphia, Pa., and John J. Cram, factory superintendent of said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, between the dates of May 11, 1933,

and June 27, 1935, from the State of Pennsylvania, into the States of New Jersey, Kansas, Texas, Maryland, South Dakota, Ohio, Wisconsin, Colorado, Alabama, and the District of Columbia of quantities of the products above referred to, of which a part were adulterated and misbranded, and the remainder were misbranded. The articles were labeled: "James Good, Inc., Philadelphia."

Certain of the above-named products were alleged to be adulterated in that they were sold under names recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down therein in the following respects, and their own standard of strength, quality, and purity were not declared on the container:

The glycerin was of a yellow color, had a specific gravity at 25° Centigrade of 1.247, possessed a slightly acid reaction to litmus and contained carbonaceous and mineral residue amounting to 0.026 percent, readily carbonizable substances which with sulphuric acid produced a brown color, and sulphate; whereas the pharmacopoeia provides that glycerin shall be colorless, that it shall have a specific gravity at 25° Centigrade not below 1.249, that it shall be neutral to litmus paper, that it shall contain not more than 0.015 percent of carbonaceous and mineral residue, that it shall not contain readily carbonizable substances which with sulphuric acid will color the material darker than yellow, and that it shall contain no sulphate.

The arsenic trioxide was a gray powder containing particles larger than 0.0125 millimeter in diameter. The residue upon ignition of 1 gram of the powder was not less than 2.36 percent, the arsenic sulphide precipitated by hydrogen sulphide from a solution was not completely soluble in an excess of ammonium carbonate, and the article when dried to constant weight at 100° Centigrade contained not more than 98.7 percent of arsenic trioxide; whereas the pharmacopoeia provides that arsenic trioxide shall consist of particles not greater than 0.0125 millimeter in diameter, that it shall be a white powder, that upon ignition of 1 gram of the powder it shall leave a residue of not more than 0.1 percent, that the arsenic sulphide precipitated by hydrogen sulphide from a solution shall be completely soluble in an excess of ammonium carbonate, and that when dried to constant weight at 100° Centigrade it shall contain not less than 99.8 percent of arsenic trioxide.

The phenol crystals were not colorless, and 5 grams of the article heated on a water bath left a residue of more than 0.05 percent, namely, 0.16 percent; whereas the pharmacopoeia provides that phenol crystals be colorless, and that 5 grams of the article, when heated on a water bath, shall leave a residue of not more than 0.05 percent.

The sodium borate powder and the powdered borax contained in 100,000 parts arsenic equivalent to more than 5 parts of arsenic trioxide; whereas the pharmacopoeia provides that sodium borate and powdered borax shall not contain arsenic equivalent to more than 1 part of arsenic trioxide per 100,000 parts.

The aromatic spirit of ammonia contained in each 100 cubic centimeters less than 1.84 grams, namely, not more than 1.54 grams of ammonia; whereas the pharmacopoeia provides that aromatic spirit of ammonia shall contain not less than 1.84 grams of ammonia per 100 cubic centimeters.

One gram of the sodium biphosphate yielded more chlorides than correspond to 0.2 cubic centimeter of fiftieth-normal hydrochloric acid; whereas the pharmacopoeia provides that 1 gram of sodium biphosphate shall yield no more chlorides than corresponds to 0.2 cubic centimeter of fiftieth-normal hydrochloric acid.

Two grams of zinc oxide mixed with 10 cubic centimeters of distilled water, to which was added 30 cubic centimeters of diluted sulphuric acid, did not make a solution that was clear and colorless, and 2 grams of the article, added to 20 cubic centimeters of distilled water and 5 cubic centimeters of glacial acetic acid and warmed on a water bath, produced a precipitate upon the addition of 5 drops of potassium chromate T. S., indicating the presence of lead; whereas the pharmacopoeia provides that 2 grams of zinc oxide mixed with 10 cubic centimeters of distilled water, to which is added 30 cubic centimeters of diluted sulphuric acid, heated on a water bath, shall make a solution which is clear and colorless and that 2 grams of zinc oxide added to 20 cubic centimeters of distilled water and 5 cubic centimeters of glacial acetic acid, warmed on a water bath, and to which is added 5 drops of potassium chromate T. S., will produce no precipitate indicating lead.

The liquor cresolis compositus contained oil other than linseed oil; whereas the pharmacopoeia mentions only linseed oil as an ingredient of liquor cresolis compositus. Adulteration of the products sold under names recognized in the United States Pharmacopoeia was alleged for the further reason that the strength and purity of the articles fell below the professed standard and quality under which they were sold.

Adulteration of the lemon extract was alleged in that a product deficient in lemon oil had been substituted for pure extract lemon, which the article purported to be.

Misbranding was alleged with respect to the products sold under names recognized in the pharmacopoeia in that the following statements borne on the label were false and misleading: "Glycerin, U.S.P."; "Arsenic Trioxide, U.S.P."; "Phenol Crystals, U.S.P."; "Sodium Borate Powder, U.S.P."; "Powdered Borax, U.S.P."; "Aromatic Spirit of Ammonia, U.S.P."; "Sodium Biphosphate, U.S.P."; "Zinc Oxide, U.S.P."; "Liquor Cresolis Compositus, U.S.P."

Misbranding was alleged with respect to the lemon extract in that the statements "Extract, Flavoring, Lemon", borne on the carton, and the statements "Pure Extract Lemon", "Alcohol 80%", borne on the bottle label, were false and misleading and were applied to the article so as to deceive and mislead the purchaser since they represented that it was pure extract of lemon and contained 80 percent of alcohol; whereas it was not pure extract of lemon, but was a product deficient in lemon oil and did not contain 80 percent of alcohol, but did contain a less amount.

Misbranding was alleged with respect to the vanilla extract in that the statements "24 4-Ounce bottles", borne on the carton and "4 Fluid Ounces, Net Alcohol 40%", borne on the bottle label, were false and misleading and were applied to the article so as to deceive and mislead the purchaser in that they represented that the bottles contained 4 fluid ounces of the article, and that the article contained 40 percent of alcohol; whereas each of said bottles contained less than 4 fluid ounces of the article, and the article contained less than 40 percent of alcohol. Misbranding of the vanilla extract was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding of the syrup of hypophosphites, hydrogen peroxide solution, and the oil of cottonseed was alleged for the reason that the statements "1 Pint", with respect to the syrup of hypophosphites, "1 Gallon", with respect to the hydrogen peroxide solution, and "1 Quart", with respect to the oil of cottonseed, borne on the labels of the bottles containing the articles, were false and misleading since the said bottles contained less than declared.

Misbranding of the dog soap was alleged in that certain statements, designs, and devices, regarding its curative and therapeutic effects, borne on the cartons containing the article and in a circular enclosed therein, falsely and fraudulently represented that the article was effective as an aid in keeping the skin in a healthy condition; was effective to heal sores, to promote the healing of many sores and eruptions, and to make hair grow; was effective as a treatment of eczema sores and certain other skin ailments; and was effective to insure health.

The information also charged adulteration and misbranding of the liquor cresolis compositus and misbranding of Good's Dog Soap in violation of the Insecticide Act of 1910, reported in notices of judgment published under that act.

On January 15, 1937, the defendants entered pleas of nolo contendere. Judgments were entered finding the defendants guilty and imposing a fine of $300 on James Good, Inc., for violation of both acts. John J. Cram was given a suspended sentence and placed on probation for 1 year.

W. R. Gregg, *Acting Secretary of Agriculture.*

26777. Adulteration and misbranding of tincture of belladonna. U. S. v. Abbott Laboratories. Plea of guilty. Fine, $25. (F. & D. no. 34027. Sample nos. 72228–A, 4271–B, 4273–B.)

This product differed from the standard prescribed by the United States Pharmacopoeia and was not labeled to indicate its own standard.

On June 11, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Abbott Laboratories, a corporation,

North Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 3, May 10, and July 16, 1934, from the State of Illinois into the State of Missouri, of quantities of tincture of belladonna that was adulterated and misbranded. The article was labeled in part: "Tincture Belladonna, U. S. P. * * * Standardized to contain 0.027 to 0.033 grams of total alkaloids in 100 cc. * * * Abbott Laboratories, North Chicago, Illinois."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein, since 100 cubic centimeters of the article yielded more than 0.033 gram of the alkaloids of belladonna leaves. Samples from the three shipments were found to yield not less than 0.0463, 0.0387, and 0.046 gram, respectively, of the alkaloids of belladonna leaves; whereas the pharmacopoeia provided that 100 cubic centimeters of tincture of belladonna should yield not more than 0.033 grams of the alkaloids of belladonna leaves, and the standard of strength, quality, and purity of the article was not declared on the container thereof. The article was alleged to be adulterated further in that it was represented to be tincture of belladonna that conformed to the pharmacopoeial standard and to be standardized to contain 0.027 to 0.033 gram of total alkaloids in 100 cubic centimeters; whereas it was not tincture of belladonna which conformed to the pharmacopoeial standard and 100 cubic centimeters of the article contained more than 0.033 gram of the alkaloids of belladonna leaves.

The article was alleged to be misbranded in that the statements on the label, "Tincture Belladonna U. S. P. * * * standardized to contain 0.027 to 0.033 grams of total alkaloids in 100 cc.", were false and misleading.

On January 21, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $25.

W. R. Gregg, *Acting Secretary of Agriculture.*

26778. Misbranding of Okasa-Silver for Men and Okasa-Gold for Women. U. S. v. 77 Boxes of Okasa-Silver for Men and 6 Boxes of Okasa-Gold for Women. Default decree of condemnation and destruction. (F. & D. nos. 34903, 34904. Sample nos. 21022–B, 21023–B.)

This case involved importation from a foreign country of quantities of articles labeled "Okasa-Silver for Men" and "Okasa-Gold for Women", which names on the labels falsely and fraudulently represented the curative or therapeutic effect of the articles with respect to diseases of men and diseases of women, respectively.

On January 17, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 77 boxes of Okasa-Silver for Men and 6 boxes of Okasa-Gold for Women at New York, N. Y., alleging that the articles had been shipped on various dates between October 28 and December 20, 1934, by Hormo Pharm G. M. B. H., from Berlin, Germany, and that they were misbranded in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles showed that they consisted essentially of animal glandular material and plant material including flour and cacao.

The articles were alleged to be misbranded in that the statements appearing upon the labels, "For Men" and "For Women", falsely and fraudulently represented that the articles were adequate treatments for diseases of men and women, respectively.

On December 3, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26779. Adulteration and misbranding of atropine sulphate tablets, tincture of aconite tablets, atropine sulphate solution, and sodium cacodylate ampoules. U. S. v. The Columbus Pharmacal Co. Plea of guilty. Fine, $1,200. (F. & D. no. 36035. Sample nos. 35175–B, 35234–B, 35241–B, 35248–B.)

This case involved drugs that fell below the professed standard and quality under which they were sold.

On April 16, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Columbus Pharmacal Co., a corporation, Columbus, Ohio, alleging shipment by said company, in violation of the Food

and Drugs Act on or about April 30 and May 22, 1935, from the State of Ohio into the State of Indiana of quantities of drugs that were adulterated and misbranded. The articles were labeled in part variously: "Tablets Atropine Sulphate 1–150 grain * * * The Columbus Pharmacal Company"; "Tablets Aconite Tincture * * * 2 minims"; "Ophthalmic Solution * * * Atropine Sulphate 2%"; "1 cc. Size Sodium Cacodylate 0.2 Gm. (3 grs.)."

The articles were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in the following respects: Each of the atropine sulphate tablets was represented to contain 1–150 grain of atropine sulphate; whereas each of said tablets contained less, namely, not more than 1/200 grain, of atropine sulphate; each of the tincture of aconite tablets was represented to contain 2 minims of tincture of aconite, whereas each of said tablets contained less, namely, not more than 0.25 minim, of tincture of aconite; the solution of atropine sulphate was represented to contain 2 percent of atropine sulphate; whereas it contained less, namely, not more than 1.83 percent of atropine sulphate; each cubic centimeter of the sodium cacodylate was represented to contain 0.2 gram (3 grains) of sodium cacodylate; whereas each cubic centimeter of the article contained less than represented, namely, not more than 0.16 gram (2½ grains) of sodium cacodylate.

The articles were alleged to be misbranded in that the statements, "Tablets Atropine Sulphate 1–150 grain", "Tablets Aconite Tincture * * * 2 minims", "Solution * * * Atropine Sulphate 2%", and "1 cc. * * * Sodium Cacodylate 0.2 Gm. (3 grs.)", borne on the labels, were false and misleading.

On January 28, 1937, the defendant entered a plea of guilty and on February 4, 1937, the court imposed a fine of $1,200.

W. R. Gregg, *Acting Secretary of Agriculture.*

26780. Adulteration and misbranding of ephedrine sulphate, Fowler's solution, thyroid tablets, epinephrine chloride, strychnine sulphate tablets, nitroglycerin tablets, fluidextract of hyoscyamus, fluidextract of nux vomica; misbranding of Tablets Amidol; and adulteration of phenobarbital sodium. U. S. v. Albert E. Mallard. Plea of guilty. Fine, $4,800. Sentence suspended and defendant placed on probation. (F. & D. no. 36939. Sample nos. 13624–B, 13625–B, 13631–B, 13632–B, 13636–B, 13671–B, 13687–B, 32103–B, 32105–B, 32107–B, 32110–B, 32124–B, 32176–B to 32179–B, incl., 32184–B.)

The ephedrine sulphate contained less ephedrine sulphate than the quantity thereof represented on the label. Fowler's solution, in two of the three consignments contained less Fowler's solution than the quantity represented on the label; and in the remaining consignment, which was represented to conform to the standard prescribed for such article in the United States Pharmacopoeia, it did not conform to such standard in that it contained a greater quantity of arsenic trioxide than that specified in the pharmacopoeia.

The thyroid tablets contained more thyroid U. S. P. than the quantity represented on the label. The epinephrine chloride, represented to conform to the standard prescribed for such article in the United States Pharmacopoeia, did not conform to such standard in that it contained less epinephrine chloride. The strychnine sulphate tablets contained less strychnine sulphate than the quantity thereof represented on the label. The label of the Tablets Amidol bore false and fraudulent representations regarding their curative and therapeutic effects; and the article, represented on the label to be safe for administration in the dosage recommended, contained dangerous drugs which rendered it unsafe when so administered. The phenobarbital sodium, in one of the two consignments contained in part more, and in part less, phenobarbital sodium than the quantity represented on the label; and in the other consignment it contained more phenobarbital sodium than the quantity represented on the label. The nitroglycerin tablets contained less nitroglycerin than the quantity represented on the label. The fluidextract of hyoscyamus, represented to conform to the standard prescribed for such article in the United States Pharmacopoeia, did not conform to such standard in that it yielded a smaller quantity of alkaloids of hyoscyamus. The fluidextract of nux vomica, represented on the label to conform to the standard prescribed for such article in the National Formulary, did not conform to such standard in that it yielded a smaller quantity of the alkaloids of nux vomica.

On May 19, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against Albert E. Mallard, Detroit, Mich., charging shipment by said defendant, in violation of the Food and Drugs Act, from the State of Michigan into the State of Illinois on or about January 4 and June 19, 1935, of quantities of ephedrine sulphate that was adulterated and misbranded; on or about January 4 and June 22, 1935, of quantities of Fowler's solution that was adulterated and misbranded; or or about January 12, 1935, of a quantity of thyroid tablets and a quantity of epinephrine chloride that were adulterated and misbranded; on or about January 15, 1935, of a quantity of strychnine sulphate tablets that were adulterated and misbranded; on or about February 3, 1935, of a quantity of Tablets Amidol that were misbranded; on or about February 12 and June 19, 1935, of quantities of phenobarbital sodium that was adulterated and misbranded; on or about March 5, 1935, of a quantity of nitroglycerin tablets, fluidextract of hyoscyamus, and fluidextract of nux vomica that were adulterated and misbranded; and on or about January 4, March 27, and June 22, 1935, of quantities of Fowler's solution that was adulterated and misbranded.

The ephedrine sulphate was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented that each milliliter (cubic centimeter) of the article contained ¾ grain of ephedrine sulphate, whereas in fact each milliliter (cubic centimeter) of the article contained less than ¾ grain of ephedrine sulphate. Said article was alleged to be misbranded in that the statement, "Each mil (cc) contains ¾ gr. Ephedrine Sulphate", borne on the box containing the ampoules of the article, and the statement, "Ephedrine Sulphate ¾ gr. in 1 C. C.", borne on the label of the ampoules, were false and misleading in that they represented that each milliliter (cubic centimeter) of the article contained ¾ grain of ephedrine sulphate, whereas in fact each milliliter (cubic centimeter) of the article contained less than ¾ grain of ephedrine sulphate.

The Fowler's solution in two of the three consignments was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented that each cubic centimeter of the article contained 5 minims of Fowler's solution; whereas in fact each cubic centimeter of the article contained less than 5 minims of Fowler's solution. Said article was alleged to be misbranded in that the statement, "Each cubic centimeter contains Fowler's Solution 5 mins", borne on the boxes containing the ampoules of the article, and the statement, "Fowler's Solution 5 minims, 1 C. C.", borne on the label of the ampoules, were false and misleading in that they represented that each cubic centimeter of the article contained 5 minims of Fowler's solution; whereas in fact each cubic centimeter of the article contained less than 5 minims of Fowler's solution. The Fowler's solution, in the remaining consignment was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, in that 100 cubic centimeters of the article contained more than 1.025 grams of arsenic trioxide; whereas said pharmacopoeia provided that Fowler's solution, that is, solution of potassium arsenite, should contain not more than 1,025 grams of arsenic trioxide per 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be Fowler's solution, that is, solution of potassium arsenite, which conformed to the standard laid down for such article in the United States Pharmacopoeia; whereas in fact the article was not Fowler's solution, that is, solution of potassium arsenite, which conformed to the standard laid down in said pharmacopoeia. Said article was alleged to be misbranded in that the statement, "Fowler's Solution Liquor Potassii Arsenitis U. S. P. Contains Potassium Arsenite equivalent to 1% Arsenic Trioxide", borne on the bottle labels was false and misleading in that it represented that the article was Fowler's solution, that is, solution of potassium arsenite, which conformed to the standard laid down in the United States Pharmacopoeia, and that the article contained 1 percent of arsenic trioxide; whereas in fact the article was not Fowler's solution, that is, solution of potassium arsenite, which conformed to the standard laid down in said pharmacopoeia, and the article contained more than 2 percent of arsenic trioxide.

The thyroid tablets were alleged to be adulterated in that the strength and purity of the article fell below the professed standard and quality under which

it was sold, in that it was represented that each of the tablets contained 2 grains of thyroid U. S. P.; whereas in fact each of the tablets contained more than 2 grains of thyroid U. S. P. Said article was alleged to be misbranded in that the statement, "C. T. Thyroid U. S. P. 2 grs.", borne on the bottle labels, was false and misleading in that it represented that each of the tablets contained 2 grains of thyroid U. S. P., whereas in fact each of the tablets contained more than 2 grains of thyroid U. S. P.

The epinephrine chloride was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, in that 100 cubic centimeters of the article contained less than 0.095 gram of epinephrine, whereas said pharmacopoeia provided that epinephrine chloride, that is, epinephrine hydrochloride, should contain not less than 0.095 gram of epinephrine per 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be epinephrine chloride, that is, epinephrine hydrochloride, which conformed to the standard laid down in the United States Pharmacopoeia; whereas in fact the article was not epinephrine chloride, that is, epinephrine hydrochloride, which conformed to the standard laid down in said pharmacopoeia. Said article was alleged to be misbranded in that the statement "Epinephrin Chloride U. S. P.", borne on the package labels, was false and misleading in that it represented that the article was epinephrine chloride which conformed to the standard laid down in the United States Pharmacopoeia; whereas in fact the article was not epinephrine chloride that conformed to the standard laid down in said pharmacopoeia.

The strychnine sulphate tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that it was represented that each of the tablets contained 1/40 grain of strychnine sulphate; whereas in fact each of the tablets contained less than 1/40 grain of strychnine sulphate. Said article was alleged to be misbranded in that the statement "Tablets * * * Strychnine Sulphate 1/40 Gr.", borne on the bottle label, was false and misleading in that it represented that each of the tablets contained 1/40 grain of strychnine sulphate; whereas in fact each of the tablets contained less than 1/40 grain of strychnine sulphate.

The Tablets Amidol were alleged to be misbranded in that statements regarding their curative and therapeutic effects, borne on the bottle labels, falsely and fraudulently represented that they would be effective as a treatment, remedy, and cure for insomnia, neuritis, menstrual pain, sciatica, tabetic pain, cancer pain, dental pain, alcoholic excess, and drug addiction, and effective as a relief from asthma. Said article was alleged to be misbranded further in that the statements, "A safe * * * remedy" and "Dose * * *", borne on the bottle label, were false and misleading in that they represented that it could be administered with safety according to directions; whereas in fact it contained amidopyrine and barbital, dangerous drugs, which could not be administered with safety according to directions.

The phenobarbital sodium was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented that each of the ampoules contained 2 grains of phenobarbital sodium; whereas in fact 11 of the 12 ampoules in the box in one of the two consignments each contained more, one of the ampoules contained less than 2 grains of phenobarbital sodium, and all of the 12 ampoules in the box in the other consignment each contained more than 3 grains of phenobarbital sodium. Said article was alleged to be misbranded in that the statement, "One Dozen Ampoule * * * Phenobarbital-Sodium 2 grains", borne on the label of the boxes containing the ampoules, and the statement, "Ampoule * * * Sodium Phenobarbital 2 grs.", borne on the individual ampoules, were false and misleading in that they represented that each of the ampoules contained 2 grains of phenobarbital sodium; whereas in fact 11 of the 12 ampoules in the box in one of the two consignments each contained more, one of the ampoules contained less than 2 grains of phenobarbital sodium, and all of the 12 ampoules in the box in the other consignment contained more than 2 grains of phenobarbital sodium.

The nitroglycerin tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were

sold, in that each of the tablets was represented to contain 1/100 grain of nitroglycerin; whereas in fact each of the tablets contained less than 1/100 grain of nitroglycerin. Said article was alleged to be misbranded in that the statement "Tablets Nitroglycerin 1/100 grain", borne on the bottle label, was false and misleading in that it represented that each of the tablets contained 1/100 grain of nitroglycerin; whereas in fact each of the tablets contained less than 1/100 grain of nitroglycerin.

The fluidextract of hyoscyamus was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, in that the article yielded less than 0.055 gram of the alkaloids of hyoscyamus per 100 cubic centimeters; whereas said pharmacopoeia provided that fluidextract of hyoscyamus should yield not less than 0.055 gram of alkaloids of hyoscyamus per 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared in the container thereof. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented that the article was fluidextract of hyoscyamus which conformed to the standard laid down in the United States Pharmacopoeia; whereas in fact the article was not fluidextract of hyoscyamus which conformed to the standard laid down in said pharmacopoeia. Said article was alleged to be misbranded in that the statement, "Fluid Extract Hyoscyamus U. S. P. * * * Standard 0.055 * * * grams mydriatic alkaloids per 100 C. C.", borne on the bottle label, was false and misleading in that it represented that the article was fluidextract of hyoscyamus which conformed to the standard laid down in the United States Pharmacopoeia, and that 100 cubic centimeters of the article yielded not less than 0.055 gram of the alkaloids of hyoscyamus; whereas in fact the article was not fluidextract of hyoscyamus which conformed to the standard laid down in the United States Pharmacopoeia, and 100 cubic centimeters of the article did not yield 0.055 gram of the alkaloids of hyoscyamus.

The fluidextract of nux vomica was alleged to be adulterated in that it was sold under and by a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in said formulary, in that the article yielded less than 2.37 grams of the alkaloids of nux vomica per 100 cubic centimeters; whereas said formulary provided that fluidextract of nux vomica should not yield less than 2.37 grams of the alkaloids of nux vomica per 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, in the it was represented that the article was fluidextract of nux vomica that conformed to the standard laid down in the National Formulary; whereas in fact the article was not fluidextract of nux vomica which conformed to the standard laid down in said formulary. Said article was alleged to be misbranded in that the statement, "Fluid Extract Nux Vomica National Formulary Standard 2.37 to 2.63 grams of total Alkaloids per 100 C. C.", borne on the bottle labels, was false and misleading in that it represented that the article was fluidextract of nux vomica that conformed to the standard laid down in the National Formulary, and that 100 cubic centimeters of the article yielded not less than 2.37 grams of the alkaloids of nux vomica; whereas in fact the article was not fluidextract of nux vomica that conformed to the standard laid down in said formulary, and 100 cubic centimeters yielded less than 2.37 grams of the alkaloids of nux vomica per 100 cubic centimeters.

On November 30, 1936, the defendant entered a plea of guilty, and on February 1, 1937, the court imposed a fine of $4,800, suspended payment of the fine, and placed the defendant on probation for 5 years.

W. R. Gregg, *Acting Secretary of Agriculture.*

26781. Adulteration and misbranding of spirit of nitroglycerin. U. S. v. Parke, Davis & Co. Plea of guilty. Fine, $1. (F. & D. no. 37956. Sample nos. 34219–B, 58018–B.)

This product differed from the standard for spirit of nitroglycerin prescribed in the United States Pharmacopoeia in that it contained nitroglycerin in a proportion greater than that prescribed by said standard.

On October 15, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Parke, Davis & Co., a corporation, Detroit, Mich., charging shipment by said corporation in violation of the Food and Drugs Act, on or about July 25 and 27, 1935, from the State of Michigan into the State of Illinois of quantities of spirit of nitroglycerin that was adulterated and misbranded.

It was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity for spirit of nitroglycerin as determined by the test laid down in said pharmacopoeia, in that it contained more than 1.1 percent of nitroglycerin, to wit, not less than 1.5 percent, and its own standard of strength, quality, and purity was not declared on the containers.

The article was alleged to be misbranded in that the statement, "Spirit of Nitroglycerin (Spirit of Glycerl Trinitrate, U. S. P.) * * * An alcoholic solution of Nitroglycerin * * * containing 1 percent by weight of the substance", borne on the bottle labels, was false and misleading in that it represented that the article was spirit of nitroglycerin that conformed to the standard laid down in the United States Pharmacopoeia; whereas in fact the article was not spirit of nitroglycerin that conformed to the standard laid down in said pharmacopoeia, and it contained more than 1 percent by weight of nitroglycerin.

On November 25, 1936, a plea of guilty was entered on behalf of the defendant corporation, and on January 7, 1937, the court imposed a fine of $1.

W. R. Gregg, *Acting Secretary of Agriculture.*

26782. Adulteration and misbranding of solution of Sal-Ar-Sodide, caffeine sodio-benzoate, and sodium cacodylate. U. S. v. Haarlem Research Laboratories, Inc. Plea of guilty. Fine, $100. (F. & D. no. 36943. Sample nos. 33548–B, 38170–B, 38172–B.)

This case involved drugs that fell below the professed standard and quality under which they were sold.

On July 28, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Haarlem Research Laboratories, Inc., New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about May 1, 1934, from the State of New York into the State of Tennessee of a quantity of solution of Sal-Ar-Sodide ampoules, and on or about June 3, 1935, from the State of New York into the State of Pennsylvania of quantities of caffeine sodio-benzoate ampoules and sodium cacodylate ampoules that were adulterated and misbranded. The articles were labeled in part variously: (Ampoule) "Sterile Solution of Sal-Ar-Sodide * * * Sodium Dimethylarsenate 3 grs. Haarlem Research Laboratories, Inc., New York"; (carton) "(2 cc * * * Caffeine Sodio-Benzoate 7½ grs."; (carton) "1 cc * * * Sodium Cacodylate 7 grs."

They were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in the following respects: The solution of Sal-Ar-Sodide was represented to contain in each 20 cubic centimeters 3 grains of sodium dimethylarsenate; whereas each 20 cubic centimeters contained less than 3 grains, namely, not more than 2 grains of sodium dimethylarsenate; the caffeine sodio-benzoate ampoules were represented to contain in each 2 cubic centimeters 7½ grains of caffeine sodio-benzoate; whereas each 2 cubic centimeters contained less than 7½ grains, namely, not more than 3.56 grains of caffeine sodio-benzoate; the sodium cacodylate ampoules were represented to contain in each cubic centimeter 7 grains of sodium cacodylate; whereas each cubic centimeter contained less than 7 grains, namely, not more than 4.48 grains of sodium cacodylate.

The articles were alleged to be misbranded in that the statements (ampoule), "Solution of Sal-Ar-Sodide 20 cc. * * * Sodium Dimethylarsenate 3 grs.", (carton) "2 cc. * * * Caffeine Sodio-Benzoate 7½ grs.", and (carton) "1 cc. * * * Sodium Cacodylate 7 grs.", were false and misleading since 20 cubic centimeters of the solution of Sal-Ar-Sodide contained less than 3 grains, namely, not more than 2 grains of sodium dimethylarsenate; 2 cubic centimeters of the caffeine sodio-benzoate contained less than 7½ grains, namely, not more than 3.56 grains of caffeine sodio-benzoate; and 1 cubic

centimeter of the sodium cacodylate contained less than 7 grains, namely, not more than 4.48 grains of sodium cacodylate.

On November 23, 1936, a plea of guilty was entered. On November 25, 1936, the defendant was adjudged guilty and a fine of $100 was imposed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26783. Misbranding of Earl May's Poultry Tablets Sulphocarbolates. U. S. v. Research Products, Inc., and Jacob H. Weiner. Pleas of guilty. Fine, $50. (F. & D. no. 36987. Sample no. 32993–B.)

The packages containing these tablets bore false and fraudulent curative and therapeutic claims.

On July 17, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Research Products, Inc., a corporation, Kansas City, Mo., and Jacob H. Weiner, president of said corporation, charging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 18, 1935, from the State of Missouri into the State of Iowa, of a quantity of Earl May's Poultry Tablets Sulphocarbolates that were misbranded.

Analysis of the article showed that it contained zinc sulphocarbolate, mercuric chloride, copper sulphate, starch, and a small amount of blue color.

The article, labeled in part "Earl May's Poultry Tablets Sulphocarbolates (With Mercury). A very efficient preventive treatment for fowl cholera, fowl typhoid, coccidiosis and white diarrhea in chicks. Dosage One tablet dissolved in a pint of water for drinking purposes or mixed with feed.", was alleged to be misbranded in that said statements regarding its curative and therapeutic effects, falsely and fraudulently represented that it would be effective as a preventive treatment for fowl cholera, fowl typhoid, coccidiosis, and white diarrhea in chicks.

On September 24, 1936, pleas of guilty were entered by the defendants and the court imposed a fine of $50.

W. R. GREGG, *Acting Secretary of Agriculture.*

26784. Misbranding of Gowan's Preparation. U. S. v. Thomas F. Maher (Gowan Chemical Co.). Tried to the court. Judgment of guilty. Fine, $25. (F. & D. no. 37024. Sample no. 48633–B.)

The labeling of this drug preparation bore false and fraudulent curative and therapeutic claims.

On September 14, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Thomas F. Maher, trading as the Gowan Chemical Co., Baltimore, Md., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about October 16, 1935, from the State of Maryland into the State of South Carolina of a quantity of Gowan's Preparation that was misbranded.

Analysis of a sample of the article showed that it consisted essentially of volatile oils including methyl salicylate, camphor, eucalyptol, menthol (32 milliliters per 100 grams), and turpentine oil; and phenol, incorporated in a fat, such as lard.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on display cartons shipped with it falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for pleurisy, spasmodic croup, coughs, congestion, inflammation, and pneumonia.

On November 27, 1936, the defendant having waived a jury, the case was tried to the court. After the Government's witnesses had been heard, the defendant was called to the stand. During the examination of the defendant, the court delivered the following remarks:

CHESNUT, *District Judge:* You have misconceived the point of the case. The point of the case is this, that you have been selling a patent medicine with representations to the public that it is an effective remedy or a valuable aid in cases of disease when it could not have any possible real value in such disease, and anybody of real intelligence, and particularly a person in your line of business, must have known that. Therefore, the representation is not only false but by virtue of circumstances under which it is made, it is legally fraudulent and, therefore, in violation of the Act. Something more is required of a man who undertakes to make a profit in selling drugs to the public than

merely a willingness to change when he is caught or found out by the Department of Agriculture. It is the affirmative duty of the citizen to comply with the law. Of course, there are a great many provisions of the law that the average citizen does not know about; but a man who is in a gainful pursuit with regard to the selling of drugs certainly ought to know whether the thing that he is selling to the public is sold under fair representations or false representations. I do not think any one could well or consistently say it is all right for him to sell this until the Department of Agriculture shut down on him.

It is perfectly true from your story, or the account you have given of it, that you have been willing to cooperate with them, and whenever they called your attention to violations you have been apparently willing to cooperate. First, you tried to do it without loss of these cartons, which certainly was not entirely successful. Then when they picked you up again after a long interval of years you made a radical change, which, apparently, is entirely satisfactory to every one, but I do not think that that constitutes the full measure of the responsibility or the duty of a man who is in the business of selling drugs to the public. I think that affirmatively be owes the duty, in fairness to himself and his reputation, and in fairness to the public, to know whereof he speaks. And, of course, it is just silly to say this sort of thing you are selling here to the public is of any value in pneumonia, and it is equally silly to say it is of any good in pleurisy and diseases which require, of course, medical treatment and not patent medicines, whether you call them quack medicines or not. I suppose there are some alleviating things that are helpful. The old-fashioned mustard plaster is, I believe, a palliative or a helpful thing in the case of pneumonia. And horse-liniment sometimes rubbed on the skin might give a certain temporary reaction which might be of some little help. But to sell a patent medicine for pneumonia, which is a very dread disease, and requires the most skilled care of physicians and nurses, and to have a poor, deluded person rely on a thing of this kind, instead of having a physician, is doing a very positive harm to society.

After the witnesses had left the stand the court remarked: "Of course, naturally not being a lawyer and not having a lawyer to advise you, it is not surprising you do not understand the legal significances of fraudulent intent. There is a difference between fraud in fact and fraud in law. What you are really telling me is that as a matter of fact you did not consciously or intentionally and wilfully desire to defraud anybody. It is also perfectly true, however, that a man who does things that inevitably lead to defrauding people and injuring people is acting legally fraudulently. It is in that sense that I think this Act applies to your case. In other words, I do not think that any dealer in patent medicines such as this is justified in putting out statements to the public which he can not back up by satisfactory authority. And the mere fact he can find a man here and there say that he believes that so and so will do this and that, when the great volume of human intelligence and knowledge is to the contrary, does not justify you in making the claims you have. That is to say, the small sporadic individual opinion here and there, or your own statement that you have been cured of cold by using this stuff, when that is opposed to the whole weight of human knowledge, in so far as it goes at the present time—you are not justified in acting on individual and sporadic personal expression of opinion as against the enlightened judgment and knowledge of people who are experienced with regard to drugs of this kind. And your case in that respect is not very different from the case I had the other day where somebody was advertising something as a cure for piles; and your case is not greatly different from the case of the B. & M. medicine that was in this Court some years ago. I understand your position to be in your own case you are not seeking to justify the statements made, you are saying you were making them inadvertently. But that is not a sufficient answer in law. A man who sells things like this with advertised recommendations or statements can not say 'I did it inadvertently.' It is barely possible, physically, I suppose, that you never read this, but you would not be permitted—certainly according to my view of the matter—to say you are guiltless because you say you did not read what you are representing in writing to the public."

Judgment of guilty was entered and a fine of $25 was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26785. Misbranding of Kirby's Miracle Mineral. U. S. v. Hydrick L. Kirby and Frank O. Kirby (Kirby's Mineral Products). Pleas of nolo contendere. (F. & D. no. 37027. Sample nos. 49449–B, 53001–B, 53002–B.)

The shipping packages and enclosed circulars in two of the three consignments of this article and circulars in the remaining consignment, bore and contained false and fraudulent curative and therapeutic claims.

On August 4, 1936, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Hydrick L. Kirby and Frank O. Kirby, trading as Kirby's Mineral Products, Union, S. C., charging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about December 12 and 19, 1935, from the State of South Carolina into the State of Georgia, and on or about December 16, 1935, from the State of South Carolina into the State of Pennsylvania, of quantities of Kirby's Miracle Mineral that was misbranded.

Analysis of a sample of the article showed that it consisted essentially of iron sulphate dissolved in water.

The article in the shipment of December 12, 1935, was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the shipping package and contained in circulars enclosed therein, falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for pellagra, high blood pressure, stomach troubles, old sores, cuts, nosebleeds, diabetes, pyorrhea of the gums, female weakness, periodical pains, hay fever, tonsillitis, bed-wetting, sore throat, indigestion, athletic feet, arthritis, lumbago, rheumatism, ringworms, blood poisoning, erysipelas, sour stomach, earache, swollen joints, boils, colic, dysentery, fits, halitosis (unpleasant breath), itch, nervousness, hacking cough, abscess, change of life, lung troubles, typhoid fever, sores, female trouble, prolapsus, ulceration, whites, chronic pains, venereal diseases, gonorrhea, syphilis, chancre, buboes, ulceration of the womb, catarrh of the head, flux, swelling in the leg, chronic blood poison, and food poison; effective as a blood purifier; and effective to arrest declining health and to revitalize and to reinvigorate the whole system; effective to act on the digestive organs, to purify the blood, and to renovate the liver; effective to remove all impediments to recuperation and to restoration of health; and effective to insure normal pregnancy and healthy offspring, and to prevent infections in tooth extractions; and effective as a treatment, remedy, and cure for numbers of diseases common to the human body.

The article in the shipment of December 16, 1935, was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the shipping package and contained in circulars enclosed therein, falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for pellagra, high blood pressure, stomach trouble, bleeding gums, piles, kidney and bladder troubles, old sores, cuts, nosebleeds, diabetes, pyorrhea, pyorrhea of the gums, female weakness, periodical pains, hay fever, tonsillitis, bed-wetting, sore throat, indigestion, athlete feet, arthritis, lumbago, rheumatism, ringworms, blood poisoning, erysipelas, sour stomach, venereal diseases, chancre, gonorrhea, gleet, pain in the back, ulceration of the womb, strained back, tetter worm in the foot, earache, swollen joints, boils, colic, dysentery, fits, halitosis (unpleasant breath), itch, nervousness, hacking cough, abscess, change of life, lung troubles, and numbers of other diseases common to the human body; effective as a blood purifier; effective as a treatment for seemingly incurable diseases of suffering humanity; and effective as a healing water.

The article in the shipment of December 19, 1935, was alleged to be misbranded in that statements regarding its curative and therapeutic effects, contained in a circular enclosed in the shipping package, falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for diabetes, erysipelas, swelling in the leg, nosebleeds, chronic blood poison, fits, sore throat, tonsillitis, whites, ulceration of the womb, earache, bed-wetting, food poison, and venereal diseases.

On December 10, 1936, the defendants entered pleas of nolo contendere and the court imposed a fine of $150 upon defendant Hydrick L. Kirby and a fine of $100 upon defendant Frank O. Kirby.

W. R. Gregg, *Acting Secretary of Agriculture.*

26786. Misbranding of Sweet's Cough Balsam and Sweet's Rheumatic Remedy. U. S. v. The Sweet Manufacturing Co., Inc., Dominick Sweet, and L. Ellis Glasgow. Pleas of nolo contendere on three of the four counts of the information, and pleas of guilty on the remaining count, by the Sweet Manufacturing Co., Inc., and Dominick Sweet; plea of guilty on all four counts by L. Ellis Glasgow. The Sweet Manufacturing Co. fined $100 and costs; Dominick Sweet and L. Ellis Glasgow each fined $25 and placed on probation for 1 year. (F. & D. no. 37055. Sample nos. 34051–B, 34052–B).

These articles bore false and fraudulent representations regarding their curative and therapeutic effects; Sweet's Cough Balsam contained alcohol in a proportion less than that represented on the label; and Sweet's Rheumatic Remedy, which contained phenacetin, was not described on the label as a derivative of acetanilid.

On June 30, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information in four counts against the Sweet Manufacturing Co., Inc., a corporation, Pittsburgh, Pa., and Dominick Sweet, and L. Ellis Glasgow, officers of said corporation, charging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about September 9, 1935, from the State of Pennsylvania into the State of Illinois of a quantity of Sweet's Cough Balsam and of Sweet's Rheumatic Remedy that was misbranded.

Analysis of a sample of Sweet's Cough Balsam showed that it consisted essentially of extracts of plant drugs, including wild cherry, pine tar, chloroform, alcohol (5.7 percent by volume), sugar, and water. Analysis of Sweet's Rheumatic Remedy, which was in the form of tablets, showed that it contained acetophenetidin (1.95 grains per tablet), potassium iodide, sodium salicylate, caffeine, and extracts of plant drugs.

Sweet's Cough Balsam was labeled as follows: (Bottle label) "Sweet's Cough Balsam (Linden) Reg. U. S. Pat. Off. Alcohol 12½% Chloroform 7½ Gr. To Each Fl. Ounce. For Coughs, Colds and Pulmonary Disorders. Prepared by The Sweet Mfg. Co., Inc., Pittsburgh, Pa. Sweet's Cough Balsam (Linden) Directions for Use: Dose for an adult one teaspoonful every 3 hours until relieved. Children in proportion to age: 5 drops being the dose for an infant; ¼ teaspoonful for children under 6 years of age; half teaspoonful for children from 10 to 12 years of age"; (carton) "Sweet's Certified Cough Balsam. Sweet's Cough Balsam (Linden) Reg. U. S. Pat. Off. Alcohol 12½%, Chloroform 7½ Gr. To Each Fl. Ounce. For Coughs, Colds and Pulmonary Disorders. Prepared by The Sweet Mfg. Co., Inc., Pittsburgh, Pa. 2 Fl. Oz. 35 Cents." Said article, it was alleged in the first count of the information, was misbranded in that the statements appearing on the bottle labels and on the carton falsely and fraudulently represented that the article would be effective as a treatment, remedy, and cure for coughs and pulmonary disorders. Said article, it was alleged in the second count of the information, was misbranded further (1) in that the statement "Alcohol 12½%", borne on the bottle labels and carton, was false and misleading, since the article in fact contained less than 12½ percent of alcohol; and (2) in that the article contained alcohol and the package label failed to bear a statement of the quantity or proportion of alcohol contained therein.

Sweet's Rheumatic Remedy was labeled as follows: (Bottle labels) "Sweet's Rheumatic Remedy Reg. U. S. Pat. Off. Each tablet Contains 2 Grains Phenacetin. Contents 60 Tablets. Dose: One tablet 4 times a day, after meals and at bedtime. Distributed by The Sweet Mfg. Co., Inc. Pittsburgh, Pa."; (carton) "Sufferers from Rheumatism should always dress warmly; avoid dampness of the feet and indulgence in alcoholic liquors. The use of Sweet's Kamforina Salve will be found useful in gaining temporary relief from the sharp pains which sometimes attend this illness. Contents 60 Tablets. Price $1,50." Said article, it was alleged in the third count of the information, was misbranded in that the statements appearing on the bottle labels and carton falsely and fraudulently represented that it would be effective as a remedy for rheumatism and rheumatic ailments. Said article, it was alleged in the fourth count of the information, was misbranded further in that it contained phenacetin, and the label on the package failed to bear a statement that phenacetin was a derivative of acetanilid.

On October 14, 1936, the defendant, L. Ellis Glasgow, entered a plea of guilty on all counts and the court imposed a fine of $25 on said defendant and placed him on probation for 1 year. On November 30, 1936, the defendants, the Sweet Manufacturing Co., Inc., and Dominick Sweet, entered pleas of nolo

contendere to the first, third, and fourth counts of the information, and pleas of guilty to the second count; and the court imposed a fine of $100 and costs on the Sweet Manufacturing Co., Inc., and a fine of $25 on Dominick Sweet, and placed him on probation for 1 year.

W. R. Gregg, *Acting Secretary of Agriculture.*

26787. Adulteration and misbranding of ether and chloroform. U. S. v. 15 Cans of Ether and 38 Bottles of Chloroform. Consent decrees of condemnation and destruction. (F. & D. nos. 37714, 37726. Sample nos. 62418–B, 62421–B, 69000–B.)

Each of these articles differed from its standard as prescribed in the United States Pharmacopoeia.

The United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed on May 6, 1936, a libel praying seizure and condemnation of 15 cans of ether, and on May 8, 1936, a libel praying seizure and condemnation of 38 bottles of chloroform at New Orleans, La. It was alleged in each of said libels that the article had been shipped in interstate commerce on or about March 20 and 21, 1936, by Merck & Co., Inc., from St. Louis, Mo., that it was adulterated and misbranded in violation of the Food and Drugs Act, and that it "was at the time of shipment, and still is, subject to seizure, condemnation, and confiscation under section 10 of the Food and Drugs Act." The allegation in each of the original libels, was amended on December 4, 1936, to read that the article "is subject to seizure, condemnation, and confiscation under section 10 of the Food and Drugs Act."

Analysis of a sample of the ether showed the presence of peroxide. It was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity for such article as determined by the test laid down in the United States Pharmacopoeia, and its own standard was not stated on the label. Said article was alleged to be misbranded in that the statement on the label, "Ether * * * U. S. P.", was false and misleading.

Analysis of a sample of the chloroform showed that it contained substances decomposable by sulphuric acid. The chloroform was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of purity of such article as determined by the test laid down in said pharmacopoeia. It was alleged to be misbranded in that the statement on the label, "Chloroform * * * U. S. P.", was false and misleading in that it did not conform to specifications of the United States Pharmacopoeia.

On December 4, 1936, Merck & Co., Inc., claimant, having admitted the allegations of the libels as amended and having consented to decrees, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26788. Misbranding of Lagreen's Famous Healing Oil (Rattlesnake Oil). U. S. v. 189 Bottles of Lagreen's Famous Healing Oil. Default decree of condemnation and destruction. (F. & D. no. 37721. Sample no. 68551–B.)

This product was misbranded because of false and fraudulent curative and therapeutic claims and the false and misleading representation that it consisted of rattlesnake oil.

On May 12, 1936, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 189 bottles of Lagreen's Famous Healing Oil (Rattlesnake Oil) at Chattanooga, Tenn., alleging that the article had been shipped in interstate commerce on or about January 25, 1936, by the Standard Sales Co., from Birmingham, Ala., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample showed that the article consisted essentially of kerosene and volatile oils, including mustard oil and sassafras oil.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, borne on the label, were false and fraudulent: "Healing Oil * * * Useful in Rheumatism, Aches, Pains, Soreness, Stiff Joints, Colds, Headaches, Toothache, Croup, Pneumonia and in pain of any description." Misbranding was alleged for the further reason that the designation "Rattlesnake Oil" was false and misleading.

On January 25, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26789. Adulteration and misbranding of tincture of iodine. U. S. v. 55 Dozen Bottles of Tincture of Iodine. Default decree of condemnation and destruction. (F. & D. no. 37727. Sample no. 68862–B.)

This product failed to conform to the standard established by the United States Pharmacopoeia in that it was materially deficient in both iodine and potassium iodide.

On June 10, 1936, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55 dozen bottles of tincture of iodine at Hattiesburg, Miss., alleging that it had been shipped in interstate commerce on or about January 2, 1936, by the Geo. H. Nowland Co., from Cincinnati, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, or purity as determined by the test laid down in that authority and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement "Tincture of Iodine", borne on the label, was false and misleading since it contained less iodine and potassium iodide than required by the United States Pharmacopoeia.

On September 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26790. Misbranding of Life-Aid. U. S. v. 144 Bottles of Life-Aid. Default decree of condemnation and destruction. (F. & D. no. 37765. Sample no. 55187–B.)

The bottle labels of this article bore false and fraudulent representations regarding its curative or therapeutic effects.

On May 26, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 144 bottles of Life-Aid at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about April 15, 1936, by the Life-Aid Laboratory from Chicago, Ill., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of sodium, magnesium, and calcium sulphates, sulphuric acid, sugar, and water, with small amounts of salicylic acid, iron phosphate, saccharin, and a red coloring material.

The article was alleged to be misbranded in that the statements regarding its curative or therapeutic effects, borne on the bottle label, "Life-Aid * * * When you have Indigestion or Gastritis due to Acidity, * * * Rheumatic Pains * * * Nervousness and Tired, Dull Weak Feelings caused by Faulty Elimination Try Life-Aid", falsely and fraudulently represented that the article was capable of producing the effects claimed.

On December 5, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26791. Adulteration and misbranding of ether. U. S. v. 230 Cans of Ether. Consent decree of condemnation and destruction. (F. & D. no. 37816. Sample no. 55968–B.)

This product differed from the standard of strength, quality, and purity for ether as determined by the tests laid down in the United States Pharmacopoeia, in that 2 of the 10 cans examined contained peroxide.

On June 17, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 230 cans of ether at Chicago, Ill. The libel alleged that it had been shipped in interstate commerce on or about February 26, 1936, by Merck & Co., Inc., from Rahway, N. J., and that the article, "when and where it was so shipped as aforesaid, was then and there" adulterated and misbranded in violation of the Food and Drugs Act. On November 5, 1936, the libel was amended by striking out the words quoted above.

The article was alleged to be adulterated in that it was sold under the name "Ether * * * U. S. P.", a name recognized in the United States Pharmacopoeia, but differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia.

It was alleged to be misbranded in that the statement "Ether * * * U. S. P.", appearing on the label of the cans, was false and misleading.

On November 13, 1936, Merck & Co., Inc., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26792. Adulteration and misbranding of Anocaine Solution BM and Anocaine Solution BE; misbranding of Anocaine Solution M. U. S. v. Reliance Dental Manufacturing Co., Inc. Plea of guilty. Fine, $25 and costs. F. & D. no. 37967. Sample nos. 44954–B, 44956–B, 51012–B, 52422–B.)

This case involved three consignments of procaine hydrochloride solution, labeled "Anocaine Solution BM", "Anocaine Solution M", and "Anocaine Solution BE." The Anocaine Solution BM in one of the consignments contained less procaine hydrochloride than the quantity represented on the label; and in the other two consignments it was misbranded as to the quantity of contents of the package. The Anocaine Solution M was misbranded as to the quantity of contents, and the Anocaine Solution BE contained less procaine hydrochloride than the quantity represented on the label.

On September 24, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Reliance Dental Manufacturing Co., a corporation, Chicago, Ill., charging shipment by said corporation in violation of the Food and Drugs Act on or about November 6, 1934, from the State of Illinois into the State of Tennessee of a quantity of Anocaine Solution BM, and of Annocaine Solution M which were misbranded; on or about September 18, 1935, from the State of Illinois into the State of Ohio of a quantity of Anocaine Solution BE which was adulterated and misbranded; and on or about October 4, 1935, from the State of Illinois into the State of Pennsylvania of a quantity of Anocaine Solution BM which was misbranded; and from the State of Illinois into the State of Ohio of a quantity of Anocaine Solution BM that was adulterated and misbranded.

The Anocaine Solution BM in one of the three consignments was alleged to be misbranded in that the statement, "Anocaine Solution BM * * * Extractotubes, Approx. 2.5 cc. each", borne on the cartons containing the extractotubes of the article, was false and misleading in that it represented that each of said extractotubes contained approximately 2.5 cubic centimeters of Anocaine Solution BM; when in fact each of said extractotubes contained not more than 2.15 cubic centimeters of Anocaine Solution BM. The article in another one of the three consignments was alleged to be misbranded in that the statement, "Anocaine Solution BM * * * Extractotubes Contain Approx. 2.15 to 2.55 cc. each", borne on the cartons, was false and misleading in that it represented that each of said extractotubes contained approximately 2.15 to 2.5 cubic centimeters of Anocaine Solution BM; when in fact each of said extractotubes contained not more than 2 cubic centimeters of Anocaine Solution BM. The Anocaine Solution BM in the remaining consignment was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each cubic centimeter of the article was represented to contain 0.02 gram of procaine hydrochloride; when in fact each cubic centimeter of the article contained not more than 0.0145 gram of procaine hydrochloride. Said article was alleged to be misbranded in that the statement, "Anocaine Solution BM Each cc. Contains: Procaine Hydrochloride .02 gms.", borne on the package labels was false and misleading in that it represented that each cubic centimeter of the article contained 0.02 gram of procaine hydrochloride; when in fact each cubic centimeter of the article contained not more than 0.0145 gram of procaine hydrochloride.

The Anocaine Solution M was alleged to be misbranded in that the statement, "Anocaine Solution M * * * Extractotubes, Approx. 2.5 cc. each", borne on the cartons, was false and misleading in that it represented that each of said extractotubes contained approximately 2.5 cubic centimeters of Anocaine Solution M; when in fact each of said extractotubes contained not more than 2.12 cubic centimeters of Anocaine Solution M.

The Anocaine Solution BE was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each cubic centimeter of the article was represented to contain 0.02 gram of procaine hydrochloride; when in fact each cubic centimeter of the article contained not more than 0.01612 gram of procaine hydrochloride. Said article was alleged to be misbranded in that the statement, "Anocaine BE Each cc. Contains: Procaine Hydrochloride .02 gms.", borne on the package labels, was false and misleading in that it represented that each cubic centimeter of the article contained 0.02 gram of procaine hydrochloride; when in fact each cubic centimeter of the article contained not more than 0.016 gram of procaine hydrochloride.

On November 16, 1936, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $25 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

26793. Misbranding of Colac Pile Pills. U. S. v. Vasco Products, Inc. Plea of guilty. Fine, $200 and costs. (F. & D. no. 37924. Sample no. 41792–B.)

The label of this article and an accompanying circular bore and contained false and fraudulent representations regarding its curative or therapeutic effects.

On September 14, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Vasco Products, Inc., Brentwood, Md., charging shipment by said corporation in violation of the Food and Drug Act as amended, on or about October 16, 1935, from the State of Maryland into the State of Alabama of a quantity of Colac Pile Pills that were misbranded.

Analysis of a sample of the article, which was in the form of chocolate-coated pills, showed that it contained iron oxide, magnesium oxide, calcium carbonate, extracts of plant drugs, and a tarlike material.

The article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the bottle labels and contained in an accompanying circular, falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for all forms of piles, hemorrhoids, and sensitive and inflamed conditions of the rectum; effective to heal and strengthen the entire intestinal tract and to overcome all piles and similar disorders of the rectum; and effective to reach the trouble where all forms of piles originate.

On November 24, 1936, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $200 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

26794. Adulteration and misbranding of Iodia and Papine. U. S. v. Battle & Company Chemists Corporation. Plea of guilty. Fine, $550 and costs. (F. & D. no. 37945. Sample nos. 32447–B, 32465–B, 41776–B, 52308–B, 52706–B.)

The Iodia contained a smaller proportion of iron pyrophosphate than that declared on the labeling, which also bore false and fraudulent curative and therapeutic claims. The four shipments of Papine contained a smaller proportion of morphine and a greater proportion of chloral hydrate than those stated on the label.

On December 14, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Battle & Company Chemists Corporation, St. Louis, Mo., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of August 16, 1935, and December 14, 1935, from the State of Missouri into the States of Tennessee, Alabama, Louisiana, and Illinois of a quantity of Iodia and of quantities of Papine that were adulterated and misbranded. The articles were labeled: "Iodia * * * Battle & Company Chemists Corporation, St. Louis, Mo. * * * Iodia is a combination of active principles obtained from stillingia, helonias, corydalis, iris and xanthoxylum. Each fluid dram also contains 2½ grains potassium iodide and 1½ grains of iron pyrophosphate"; "Papine * * * Morphine 1 Gr. Per Oz. Chloral Hydrate 2 1/10 Gr. Per O."

Analysis of a sample of Iodia showed that it contained 0.13 grain of iron pyrophosphate per fluid dram. Analyses of four samples of Papine showed that they contained from 0.77 to 0.81 grain of morphine and from 3.15 to 3.54 grains of chloral hydrate per fluid ounce.

The articles were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in the following respects: In the case of the Iodia, each fluid dram was represented to contain 1½ grains of iron pyrophosphate; whereas each fluid dram of the article contained less than 1½ grains, namely, not more than 0.13 grain, (1/8th grain) of iron pyrophosphate; and in the case of the Papine, each fluid ounce was represented to contain 1 grain of morphine and 2 1/10 grains of chloral hydrate; whereas each fluid ounce of the article contained less than 1 grain of morphine, samples taken from each of the four shipments having been found to contain not more than 0.81, 0.80, 0.77, and 0.81 grain, respectively, of morphine, and each fluid ounce of the article contained more than 2 1/10 grains of chloral hydrate, samples taken from each of the four shipments having been found to contain not less than 3.36, 3.4, 3.15 and 3.54 grains of chloral hydrate per fluid ounce. Misbranding of the articles was alleged in that the statements, (Iodia) "Each fluid dram also contains * * * 1½ grains iron pyrophosphate", and (Papine) "Morphine, 1 Grain Per Ounce Chloral Hydrate, 2 1–10 Gr. Per Oz." and "Morphine 1 Gr. Per. Oz. Chloral Hydrate 2 1/10 Gr. Per Oz." borne on the labels, were false and misleading since the Iodia contained less than 1½ grains of iron pyrophosphate and the Papine contained less than 1 grain of morphine and more than 2 1/10 grains of chloral hydrate.

Misbranding of the Iodia was alleged for the further reason that certain statements, designs, and devices regarding its therapeutic and curative effects, borne on the bottle labels and wrappers, falsely and fraudulently represented that it was effective as a reconstructive; and useful in the treatment of adenitis, syphilis, rheumatism, and chronic conditions requiring a tonic.

On January 9, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $550 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

26795. Misbranding of Holford's Famous Inhaler. U. S. v. William J. Fink. Plea of nolo contendere. Fine, $100. (F. & D. no. 37975. Sample no. 52220–B.)

The label of this product and an accompanying circular bore and contained false and fraudulent representations regarding its curative and therapeutic effects.

On September 22, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William J. Fink, Minneapolis, Minn., charging shipment by him in violation of the Food and Drugs Act as amended, on or about February 2, 1936, from the State of Minnesota into the State of Pennsylvania of a quantity of Holford's Famous Inhaler that was misbranded.

Analysis of a sample of the article showed that it consisted chiefly of volatile oil of mustard and plant material including lavender flowers and mustard seed.

The article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the bottle labels and contained in a circular enclosed in the package, falsely and fraudulently represented that it would be effective as a relief for distresses caused by catarrh, headaches, asthma, hay fever, and sinus, and effective to "promote comfort for" irritated membranes of the head, hay fever, asthma, catarrh, headaches, and sinus, running nose, stuffed up nasal passages, headaches caused by eyestrain, nervousness, stomach trouble, or any similar cause, severe headaches caused by inhaling the vapors of gases, cold in lungs, sore throat, constant coughing, fainting spells, sluggishness, tonsillitis, toothaches, neuralgia, and cold sores; effective to clear the head of all obstructions; and effective to bring relief from "distress of troubles which affect the head or throat."

On October 21, 1936, the defendant entered a plea of nolo contendere and the court imposed a fine of $100.

W. R. Gregg, *Acting Secretary of Agriculture.*

26796. Adulteration and misbranding of Heptuna. U. S. v. Hepatin, Inc. Plea of guilty. Fine, $50. (F. & D. no. 37976. Sample no. 41812–B.)

The label of this article bore a false and misleading representation that it contained vitamin B.

On September 24, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Hepatin, Inc., a croporation, Chicago, Ill.,

charging shipment by said corporation in violation of the Food and Drugs Act, on or about October 21, 1935, from the State of Illinois into the State of Louisiana of a quantity of an article in capsules contained in boxes labeled "Heptuna", which was adulterated and misbranded.

The article was alleged to be adulterated in that its strength and purity fall below the professed standard and quality under which it was sold in that each of said capsules was represented to contain vitamin B, whereas in fact each of the capsules contained no appreciable amount of vitamin B.

The article was alleged to be misbranded in that the statement, "Capsules with Vitamin * * * B", borne on the box labels, was false and misleading, since each of the capsules contained no appreciable amount of vitamin B.

On November 9, 1936, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of $50.

W. R. Gregg, *Acting Secretary of Agriculture.*

26797. Adulteration and misbranding of fluidextract of belladonna leaves and fluidextract of nux vomica. U. S. v. The Superior Pharmacal Co., Inc. Plea of guilty. Fine, $100. (F. & D. no. 37994. Sample nos. 68304–B, 68306–B.)

This case involved fluidextract of belladonna leaves that contained alcohol in a proportion greater than that represented on the label; and Fluid Extract Nux Vomica U. S. P., which differed from the standard of strength, quality, and purity as prescribed for fluidextract of belladonna in the National Formulary in that it contained an excessive proportion of alkaloids of nux vomica.

On November 12, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Superior Pharmacal Co., a corporation, Dayton, Ohio, charging shipment by said corporation in violation of the Food and Drugs Act on or about March 24, 1936, from the State of Ohio into the State of Indiana, of a quantity of an article labeled "Fluid Extract Belladonna Leaves", that was adulterated and misbranded, and a quantity of an article labeled "Fluid Extract Nux Vomica U. S. P.", that was adulterated and misbranded.

The fluidextract of belladonna leaves was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, in that it contained more than 63 percent of alcohol by volume, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be fluidextract of belladonna leaves that conformed to the standard laid down in the United States Pharmacopoeia; whereas in fact it was not. Said article was alleged to be misbranded in that the statement "Fluid Extract of Belladonna Leaves U. S. P.", borne on the label, was false and misleading in that it represented that the article was fluidextract of belladonna leaves which conformed to the standard laid down in the United States Pharmacopoeia; whereas in fact it was not. Said article was alleged to be misbranded further in that it contained alcohol and the label on the package failed to bear a plain and conspicuous statement of the quantity or proportion of alcohol contained therein.

The fluidextract of nux vomica was alleged to be adulterated in that it was sold under and by a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down in said formulary in that it yielded more than 2.63 grams of alkaloids of nux vomica per 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Said article was alleged to be misbranded in that the statement, "Fluid Extract Nux Vomica U. S. P.", borne on the label, was false and misleading in that it represented that the article was fluidextract of nux vomica that conformed to the standard laid down in the United States Pharmacopoeia; whereas in fact the article was not fluidextract of nux vomica that conformed to the standard laid down in said pharmacopoeia.

On November 14, 1936, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $100.

W. R. Gregg, *Acting Secretary of Agriculture.*

26798. Misbranding of On The Nose. U. S. v. Gus Stephens (Tested Specialties Co.). Plea of guilty. Fine, $25. (F. & D. no. 37997. Sample no. 22543–B.)

This case involved a veterinary preparation the label and package of which bore and contained false and fraudulent representations regarding its curative or therapeutic effects.

On September 16, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Gus Stephens, trading as Tested Specialties Co., Chicago, Ill., charging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about March 9, 1936, from the State of Illinois into the State of Louisiana of a quantity of an article, labeled "On the Nose", that was misbranded.

Analysis of the article showed that it consisted essentially of mercury (14.9 percent) incorporated in a lard base.

It was alleged to be misbranded in that statements regarding its curative or therapeutic effects, appearing on the cartons and packages and in a circular enclosed in the cartons, falsely and fraudulently represented that it would be effective to save dogs; effective as a general conditioner for dogs; effective as a treatment, remedy, and cure for cold or cough, sneeze or sniffle, running nose or watery eyes, fever, loss of pep or appetite, worms, and serious cases; and effective as a treatment, remedy, and cure for dogs definitely out of condition, and as a preventative for most animal ailments.

On October 27, 1936, a plea of guilty was entered by the defendant and the court imposed a fine of $25.

W. R. Gregg, *Acting Secretary of Agriculture.*

26799. Adulteration and misbranding of fluidextract of aconite and tincture of opium. U. S. v. Chicago Pharmacal Co. Plea of guilty. Fine, $50 and costs. (F. & D. no. 38033. Sample nos. 33397–B, 55873–B, 57291–B.)

This case involved fluidextract of aconite and tincture of opium, products recognized in the National Formulary and the United States Pharmacopoeia, respectively, which differed from the standard laid down in those authorities. The fluidextract of aconite was about 25 percent of the minimum strength required by the National Formulary and the tincture of opium was 5 percent below the minimum strength permitted by the United States Pharmacopoeia.

On November 19, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chicago Pharmacal Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 10, 1936, from the State of Illinois into the State of Michigan of a quantity of fluidextract of aconite, and on or about May 28 and June 9, 1936, from the State of Illinois into the States of Michigan and Indiana of quantities of tincture of opium, which products were adulterated and misbranded. The articles were labeled, respectively; "Fluid Extract Aconite N. F. * * * Chicago Pharmacal Company"; "Tincture Opium U. S. P. XI * * * Chicago Pharmacal Company, Chicago."

The fluidextract of aconite was alleged to be adulterated in that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down therein, in that when assayed biologically the minimum lethal dose was greater than 0.00004 cubic centimeter, namely, not less than 0.00016 cubic centimeter per each gram of body weight of guinea pig; whereas the formulary provides that when assayed biologically the minimum lethal dose of fluidextract of aconite shall not be greater than 0.00004 cubic centimeter per each gram of body weight of guinea pig, and the standard of strength, purity, and quality of the article was not declared on the container thereof.

Adulteration of the tincture of opium was alleged in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein in that it yielded less than 0.95 gram of anhydrous morphine per 100 cubic centimeters, samples of the two shipments having been found to yield not more than 0.905 gram and 0.894 gram, respectively, of anhydrous morphine per 100 cubic centimeters; whereas the pharmacopoeia provides that tincture of opium shall yield not less than 0.95 gram of anhydrous morphine per 100

cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged in respect to both products for the further reason that their strength and purity fell below the professed standard and quality under which they were sold.

The articles were alleged to be misbranded in that the statements on the labels, "Fluid Extract Aconite N. F." and "Tincture Opium U. S. P. XI", were false and misleading since the former did not conform to the standard laid down in the National Formulary and the latter did not conform to the standard laid down in the United States Pharmacopoeia, 11th revision.

On January 11, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

26800. Misbranding of phenobarbital sodium, and Ven-Calxodine. U. S. v. The Intra Products Co. Plea of guilty. Fine, $50. (F. & D. no. 38035. Sample nos. 59413–B, 59416–B.)

This case involved quantities of ampoules of phenobarbital sodium and of Ven-Calxodine. The phenobarbital sodium ampoules contained in some instances a greater quantity, and in others a smaller quantity of phenobarbital sodium than that represented on the label. The Ven-Calxodine ampoules contained a greater proportion of sodium iodide than that represented on the label.

On November 13, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Intra Products Co., a corporation, Denver, Colo., charging shipment by said corporation in violation of the Food and Drugs Act, from the State of Colorado into the State of California on or about September 28, 1935, of a quantity of phenobarbital sodium, and on or about January 3, 1936, of a quantity of Ven-Calxodine that were misbranded.

The phenobarbital sodium amopules were alleged to be misbranded in that the statement, "Phenobarbital-Sodium 3 Grains", borne on the label of the ampoules, was false and misleading in that it represented that each of the ampoules contained neither more nor less than 3 grains of phenobarbital sodium; whereas in fact some of the ampoules contained more, and others contained less than 3 grains of phenobarbital sodium.

The Ven-Calxodine was alleged to be misbranded in that the statement, "Sodium Iodide (NaI) 0.23 Gm. (4 Grs.) * * * in each 20 Mil. Ampoule", borne on the label of the ampoules, was false and misleading in that it represented that each of the ampoules contained 0.23 grain of sodium iodide per 20 milliliters, and that each of the ampoules contained 4 grains of sodium iodide per 20 milliliters; whereas in fact each of the ampoules contained more than 0.23 grain of sodium iodide per 20 milliliters and more than 4 grains of sodium iodide per 20 milliliters.

On December 8, 1936, a plea of guilty was entered on behalf of defendant corporation and the court imposed a fine of $50.

W. R. Gregg, *Acting Secretary of Agriculture.*

26801. Misbranding of Juice-O-Veg. U. S. v. 54 Cases of 24 Bottles Each and 21 Additional Bottles of Juice-O-Veg. Default decree of condemnation and destruction. (F. & D. no. 38107. Sample no. 60192–B.)

The bottle labels of this article and an accompanying circular contained false and misleading representations that it consisted of vegetable juice, when it contained fruit juice in addition to vegetable juice; and said circular also contained false and fraudulent representations regarding its curative or therapeutic effects.

On August 3, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 54 cases containing 24 bottles each and 21 additional bottles of Juice-O-Veg at Long Beach, Calif., alleging that the article had been shipped in interstate commerce on or about May 19, 1936, by Juice-O-Veg, Inc., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted of plant juices, 95 percent of which was water, and that each 100 cubic centimeters contained an inconsequential proportion of salts of iron, calcium, manganese, magnesium, potassium, and sodium, including phosphates and silicates.

The article was alleged to be misbranded in that its name "Juice-O-Veg", appearing on the label, and the following statements contained in an accompanying circular, representing that it consisted of vegetable juice, were false and misleading, since it did not consist solely of vegetable juice, but contained fruit juice in addition: "Why * * * There are twenty-six thousand billion tiny cells that make up our own bodies, nerves, blood, glands, and organs. These microscopic cells need living food in order to reproduce themselves and to do their work within the living body. Fresh vegetables contain all of the 'living food' necessary for your cells. How much fresh, raw vegetables are included in your regular diet? * * * Juice-O-Veg is * * * combined liquor from fresh, raw vegetable juices. When you drink these juices, you get the living mineral salts in a concentrated form. They make up for any deficiency in your diet. * * * 'We find this vegetable juice excellent,' * * * Juice-O-Veg is a twentieth century contribution to the correction of the typical starch-drenched, sugar-loaded, mineral-deficient, unbalanced diet of men, women and children everywhere. Juice-O-Veg the concentrated health liquid, is pressed through a specially developed machine, releasing every vital drop of the tissue-sweetening, acid-neutralizing, nerve-strengthening, appetite-restoring, eye brightening, youth regaining, old age deferring vitamins and minerals."

The article was alleged to be misbranded further in that the following statements contained in an accompanying circular falsely and fraudulently represented that it was capable of producing the curative or therapeutic effects claimed in said statements: "What * * * Juice-O-Veg contains vitamins and mineral building elements, which doctors and scientists call the 'protectors of life.' Laboratory tests show that Juice-O-Veg is rich in the following vitamins and elements: Vitamin A—Raises resistance to infection and helps the eyes. Vitamin B—Nourishes the nerves and tones the digestive system. Vitamin C—Prevents tooth decay, aches in joints, strengthens gums. Calcium—Neutralizes acid, heals wounds, makes strong bones and teeth. Iron—Prevents anemia, and makes red blood. Potassium—Flushes the cells, strengthens the heart. Magnesium—Relaxes and reduces nerve tension. Manganese—Carries oxygen and makes the body flexible. Silicon—Hardens the tooth enamel and aids hair growth. Fluorine—Whitens the eye and aids in bone-knitting. How many of these essential food elements do you get in your diet? Juice-O-Veg daily will give you the necessary 'protectors of life'. * * * Aside from the health value of Juice-O-Veg, it is a * * * stimulating drink. * * * Sparkling eyes and cheerful faces. Yes, even men and women of mature years, through the discovery of food science may become radiant with youthful vigor and the rapture of youthfulness and life. Letters such as these come in every day. Adults and children drink Juice-O-Veg because they like it. Get the Juice-O-Veg habit. * * * 'In my mind there is no question of Juice-O-Veg being very rich in blood-cleansing mineral elements. It has proven remarkably effective in practically clearing up a stubborn condition of facial blemishes for me. I am going to use it indefinitely * * * It has helped my reducing schedule wonderfully.' * * * It has given him more pep * * * Juice-O-Veg is a boon to the thousands of people who go through life, day by day, only half-alive. Their bodies are saturated with acids, complexions blemished, eyes dulled, appetites faded, nerves weakened, faces drawn and haggard, all through wrong living and unnatural foods. Juice-O-Veg the concentrated health liquid, is pressed through a specially developed machine, releasing every vital drop of the tissue-sweetening, acid-neutralizing, nerve-strengthening, appetite-restoring, eye brightening, youth regaining, old age deferring vitamins and minerals."

On September 25, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26802. Alleged adulteration and misbranding of Tablets Phenobarbital. U. S. v. The Zemmer Co. Tried to the court. Judgment of not guilty. (F. & D. no. 30190. Sample no. 9904–A.)

These tablets were alleged to contain less than the quantity of phenobarbital represented on the label.

On June 15, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Zemmer Co., a corporation, Pittsburgh, Pa., charging shipment by said corporation in violation of the Food and Drugs Act, on or about April 22, 1932, from the State of Pennsylvania into the State of Maryland of a quantity of Tablets Phenobarbital that were alleged to be adulterated and misbranded.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each of the tablets was represented to contain 1½ grains of phenobarbital; whereas in fact each of the tablets did contain less than 1½ grains of phenobarbital, to wit, not more than 1.279 grains.

The article was alleged to be misbranded in that the statement, "Tablets * * * Phenobarbital 1½ Grain", borne on the bottle label, was false and misleading in that it represented that each of the tablets contained 1½ grains of phenobarbital; whereas in fact each of the tablets contained less than 1½ grains of phenobarbital.

On November 25, 1935, after trial of the case to the court, a jury having been waived, judgment of not guilty was entered.

W. R. Gregg, *Acting Secretary of Agriculture.*

26803. Misbranding of Moxon's Liniment. U. S. v. 12, 8, and 5 Packages of Moxon's Liniment. Default decree of condemnation and destruction. (F. & D. no. 38149. Sample no. 6165–C.)

The labeling of this preparation bore false and fraudulent curative and therapeutic claims. It also was represented on some of the labels that the article could be used with perfect safety; whereas it contained ingredients which might be harmful.

On August 15, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 packages, 30-cent size; 8 packages, 60-cent size, and 5 packages, $1-size, of Moxon's Liniment at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 27, 1936, by the Moxon Liniment Co., of Mount Clemens, Mich., from Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of ammonia (not less than 7 percent), water, alcohol, camphor, and extracts of plant drugs.

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Wrapper) "* * * For Rheumatism * * *"; (labels) "For Aches and Pains * * * For Rheumatic, Neuralgic, Spasmodic and Inflammatory Affections of the Muscles or Joints, * * * Lame Back, Stiff Neck, * * * etc. * * * For Soreness of Cords and Muscles of the Throat, * * * all Inflammatory and Painful Swellings, * * * For Sore * * * Feet, * * * For Dandruff and Strengthening the Hair, * * * will * * * tone up the muscular system generally"; (on some labels) "* * * healing * * *"; (circular) "* * * Rheumatic affections of the Muscles or Joints, Muscular Spasms, * * * General Exhaustion * * * Etc., * * * Backache, Dandruff, Eruptions of the Skin, Stiff Neck, Lameness of Every Kind, and all Inflammatory Swellings. * * * Stiff Neck and Sore Throat Muscles * * * Rheumatic Muscular Soreness * * * for general exhaustion * * * your muscles will never become sore * * * Head Pains * * * Back-Ache * * * Bunions * * * will relieve the soreness immediately, Dandruff * * * Lameness of every kind, * * *." It was alleged to be misbranded further in that the statement "can be used with perfect safety", borne on the label, was false and misleading.

The libel charged that the product was also misbranded under the Federal Caustic Poison Act reported in notice of judgment no. 56 published under that act.

On October 2, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26804. Adulteration and misbranding of sodium fluoride tablets. U. S. v. 4,500 Tablets Sodium Fluoride. Default decree of condemnation and destruction. (F. & D. no. 38166. Sample nos. 56537–B, 56547–B.)

This case involved an interstate shipment of sodium fluoride tablets that contained two-fifths grain of sodium fluoride each instead of one-half grain as represented on the label.

On August 14, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4,500 sodium fluoride tablets at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about January 24, 1935, and July 3, 1935, by F. W. Bascomb & Son from Detroit, Mich., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, "Sodium Fluoride ½ Gr.", representing that each of the tablets contained one-half grain of sodium fluoride, when in fact each tablet contained less than one-half grain of sodium fluoride;

On October 20, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26805. Misbranding of Indian Remedy and Old Indian Liniment. U. S. v. 9 Bottles of Old Indian Liniment and 11 Bottles of Indian Remedy. Default decrees of condemnation and destruction. (F. & D. nos. 38194, 38195. Sample nos. 49409–B, 49410–B.)

The labels on these preparations falsely represented that they had been originated by the Indians, and also bore false and fraudulent curative or therapeutic claims.

On August 21, 1936, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 11 bottles of Old Indian Liniment and 9 bottles of Indian Remedy at Wichita, Kans. It was alleged that the articles had been shipped in interstate commerce by the Ponca Drug Co., from Ponca City, Okla., the Old Indian Liniment on or about February 19, 1935, and the Indian Remedy on or about July 25, 1935, and June 2, 1936, and that the articles were misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the Old Indian Liniment showed that it consisted essentially of kerosene with small amounts of mustard oil, eucalyptus oil, and camphor. Analysis of a sample of the Indian Remedy showed that it consisted essentially of magnesium sulphate (163 grains per fluid ounce), a minute amount of iron compound, and water.

The Old Indian Liniment was alleged to be misbranded in that the following statements appearing on the label falsely and fraudulently represented it was capable of producing the curative or therapeutic effects claimed: "A Healing Oil * * * Relieves burns, * * * sores, * * * ulcers, all flesh wounds, external inflammations, swellings, headache, nervousness, rheumatism, lame back, injuries caused by rusty nails, etc. * * * sores, all flesh wounds, external inflammations, * * * barb-wire injuries, swellings, etc." It was alleged to be misbranded further in that the statement, "Old Indian" and the representation of an Indian, borne on the label, were false and misleading, since the article was not known to the Indians and it contained ingredients that were unknown to them.

The Indian Remedy was alleged to be misbranded in that the following statements, appearing on the label, falsely and fraudulently represented that it was capable of producing the curative or therapeutic effects claimed: "For the Relief of Liver, Kidney and Bowel Disorders. This Stomach and Liver Remedy contains absolutely no injurious drugs * * * Acts quickly on the bowels for * * * flu, sick headache, liver, pains in back, sour stomach, * * * loss of appetite, tired feeling, chills and ague. * * * doing the work of calomel. A system regulator. * * * The results obtained in eliminating the poison from your system in a few hours is marvelous. * * * for acute indigestion repeat as often as necessary." Said article was alleged to be misbranded further in that the statement "Indian Remedy" and the representation of an Indian, borne on the label, were false and misleading, since it was

not an Indian remedy and it contained ingredients that were unknown to the Indians.

On November 27, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26806. Misbranding of Arcady Wor-A-Ton. U. S. v. 46 Small, 24 Large, and 29 Large Packages of Arcady Wor-A-Ton. Consent decrees of condemnation. Product released under bond for relabeling. (F. & D. nos. 38204, 38205. Sample nos. 5193–C, 5783–C.)

The package labels of this preparation bore false and fraudulent representations regarding its curative or therapeutic effects with respect to poultry diseases.

On or about August 22 and September 4, 1936, the United States attorneys for the District of Minnesota and the Western District of Michigan, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 70 packages of Arcady Wor-A-Ton at Minneapolis, Minn., and 29 packages of the product at Zeeland, Mich., alleging that the article had been shipped in interstate commerce on or about July 2 and July 25, 1936, by Arcady Laboratories, Inc., from Chicago, Ill., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analyses of samples of the article showed that it consisted essentially of copper sulphate (two analyses showing 24.09 and 22.02 percent, respectively, of copper sulphate) copperas, and plant drugs including kamala, chenopodium, anise, ginger, capsicum, and nux vomica.

The article was alleged to be misbranded in that the following statements appearing on the package labels falsely and fraudulently represented that it was capable of producing the curative or therapeutic effects claimed in said statements: (1-pound packages) "For Poultry Health Directions: Shake Well Before Using. For Grown Birds Mix seven tablespoonsful of the liquid Wor-A-Ton in a moist crumbly mash for each hundred birds, five months or older, and continue this for fifteen mornings straight in the amount of mash this number of birds will clean up in about thirty minutes. Along with this mash treatment, add two tablespoonsful of the liquid Wor-A-Ton to each gallon of drinking water for ten days straight. Repeat in five day treatment every 30 days. For Young Birds. To each hundred birds two weeks to five months old use six tablespoonsful of liquid Wor-A-Ton in a moist, crumbly mash, five mornings straight in the amount of mash the birds will clean up in thirty minutes. Repeat every two weeks. For Baby Chicks. One tablespoonful in each gallon of drinking water for the first two weeks." (Substantially the same statements on the half-pound packages.)

On November 18, 1936, and January 29, 1937, Arcady Laboratories, Inc., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond for relabeling.

W. R. Gregg, *Acting Secretary of Agriculture.*

26807. Misbranding of Steketee's Drops For The Treatment of Neuralgia Rheumatism, Steketee's Tablets For The Treatment of Worms, Steketee's Powders For The Treatment of Worms, and Steketee's Syrup For The Treatment of Worms. U. S. v. 59 Bottles of Steketee's Drops For The Treatment of Neuralgia Rheumatism, 50 Packages of Steketee's Tablets For The Treatment of Worms, 72 Packages of Steketee's Powders * * * For The Treatment of Worms, and 34 Bottles of Steketee's Syrup For The Treatment of Worms. Default decree of condemnation and destruction. (F. & D. nos. 38232 to 38235, incl. Sample nos. 6160–C to 6163–C, incl.)

The labels of each of the above-named products bore false and fraudulent representations regarding their curative or therapeutic effects; and with the exception of that on Steketee's Drops For the Treatment of Neuralgia Rheumatism, also false and misleading representations that the articles contained no harmful drugs.

On September 4, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 bottles of Steke-

tee's Drops For The Treatment of Neuralgia Rheumatism, 50 packages of Steketee's Tablets For The Treatment of Worms, 72 packages of Steketee's Powders * * * For The Treatment of Worms, and 34 bottles of Steketee's Syrup For The Treatment of Worms, at Chicago, Ill., alleging that the articles had been shipped in interstate commerce on or about November 6, 1935, and January 21 and March 28, 1936, by the Hazeltine & Perkins Drug Co., from Grand Rapids, Mich., and that they were misbranded in violation of the Food and Drugs Act as amended.

Analysis of Steketee's Drops For The Treatment of Neuralgia Rheumatism showed that they consisted essentially of resinous and aromatic substances and minute quantities of ammonia, aromatic oils, and an alkaloid. Analysis of Steketee's Tablets For The Treatment of Worms showed that they consisted essentially of potassium nitrate, sulphur, a laxative plant drug, and ground chenopodium seeds. Analysis of Steketee's Powders For The Treatment of Worms showed that they consisted essentially of potassium nitrate, sulphur, phenolphthalein, and chenopodium seed. Analysis of Steketee's Syrup For The Treatment of Worms showed that it consisted essentially of ground chenopodium seeds, calcium carbonate, potassium nitrate, phenolphthalein, sugar, and water, flavored with anise oil.

Steketee's Drops For The Treatment of Neuralgia Rheumatism were alleged to be misbranded in that the statement, "For The Treatment of Neuralgia, Neuritis and Rheumatism", borne on the bottle label, and the statement "For The Treatment of Neuralgia Rheumatism", borne on the carton, falsely and fraudulently represented that the article was capable of producing the curative or therapeutic effect claimed.

"Steketeee's Tablets For The Treatment of Worms" were alleged to be misbranded in that the statement "Contains No * * * Harmful Drugs", appearing on the label, was false and misleading in that the article did contain harmful drugs. Said article was alleged to be misbranded further in that the statement, "For The Treatment of Worms", borne on the label, falsely and fraudulently represented that it was capable of producing the curative or therapeutic effect claimed.

Steketee's Powders * * * For The Treatment of Worms were alleged to be misbranded in that the statement "Contains No * * * Harmful Drugs", appearing on the label, was false and misleading in that the article did contain harmful drugs. Said article was alleged to be misbranded further in that the statement "For The Treatment of Worms", borne on the label, falsely and fraudulently represented that it was capable of producing the curative or therapeutic effect claimed.

Steketee's Syrup For The Treatment of Worms was alleged to be misbranded in that the statement "Contains No Harmful Drugs", appearing on the label, was false and misleading in that it did contain harmful drugs. Said article was alleged to be misbranded further in that the statement "For The Treatment of Worms", borne on the bottle and carton labels, and the statements, "Worm Medicine", "Used for Worms in any form", "Worm Symptoms", and "Restless in sleep, irritable, nervous, pale, poor appetite, bad breath, rubs the nose, grinds the teeth, * * * wonderful Worm Medicine". contained in a circular enclosed in the carton, falsely and fraudulently represented that it was capable of producing the curative or therapeutic effect claimed.

On November 20, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26808. Adulteration and misbranding of digitalis tablets. U. S. v. One Package Containing 500 Tablets Digitalis. Default decree of condemnation and destruction. (F. & D. no. 38237. Sample no. 3086–C.)

This case involved an interstate shipment of an article, labeled "Tablets Digitalis 1½ Grs.", the potency of which was less than that represented on the label.

On September 3, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one package containing 500 tablets of an article, labeled "Tablets Digitalis 1½ Grs.", at Los Angeles, Calif., alleging that it had been shipped in interstate commerce on or about February 8, 1936, by the Pitman-Moore Co., from Indianapolis, Ind., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, "Tablets Digitalis 1½ Grs.", since it did not possess a potency of one and one-half grains, but did possess a potency equivalent to three-quarters of a grain of digitalis of the strength required by the United States Pharmacopoeia.

The article was alleged to be misbranded in that statements on the label, "Tablets Digitalis 1½ Grs.", "The powdered Digitalis leaves used in this product are * * * standardized by the latest U.S.P. method of assay", and "May be used for full digitalization", were false and misleading, since the article did not possess a potency of one and one-half grains of digitalis, the powdered digitalis leaves used in the article were not standardized by the latest United States Pharmacopoeia method of assay, and the article might not be used for full digitalization.

On October 26, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26809. Misbranding of Wonder Health Water. U. S. v. 710 Bottles of Wonder Health Water. Default decree of condemnation and destruction. (F. & D. no. 38238. Sample no. 6650–C.)

The labeling of this product contained false and fraudulent health claims.

On September 4, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 710 bottles of Wonder Health Water at Dallas, Tex., alleging that it had been shipped in interstate commerce on or about August 16, 1936, by the Wonder Health Water Co., from Hot Springs, Ark., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the product was a lightly mineralized, slightly alkaline mineral water of approximately the same composition of numerous city water supplies throughout the country.

The article was alleged to be misbranded in that the following statements borne on the label, "Health Water" and "For your health's sake drink Wonder Health Water", were false and fraudulent in that they were applied to the article in order to induce purchasers to believe that if used as a medicine, it would be effective in the maintenance of health; whereas it contained no ingredient nor combination of ingredients capable of producing such effects.

On January 12, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26810. Adulteration and misbranding of amidopyrine tablets. U. S. v. 11,000 Amidopyrine Tablets. Default decree of condemnation and destruction. (F. & D. no. 38308. Sample no. 5385–C.)

Each of these tablets contained less amidopyrine than the quantity represented on the label.

On September 17, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11,000 amidopyrine tablets at Dayton, Ohio, alleging that the article had been shipped in interstate commerce on or about August 31, 1934, and April 1 and April 26, 1935, by Westwood Pharmacal Co., from Buffalo, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Amidopyrine 1 gr.", since each tablet contained less than 1 grain of amidopyrine.

It was alleged to be misbranded in that it was offered for sale under the name of another article, namely, "Amidopyrine 1 gr."

On October 30, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26811. Misbranding of Nox-A-Boil. U. S. v. 9 Boxes of Nox-A-Boil. Default decree of condemnation and destruction. (F. & D. no. 38340. Sample nos. 6331–C, 6332–C.)

The label and package of this product and an accompanying circular, bore and contained false and fraudulent curative or therapeutic claims for the article.

On September 30, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine boxes of Nox-A-Boil at Chicago, Ill., alleging that it had been shipped in interstate commerce in several consignments on or about June 21, July 27, and August 24, 1936, by Nox-A-Boil Laboratories from White Pigeon, Mich., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of iron, calcium, and magnesium compounds including carbonates, phosphates, sulphates, and chlorides, and talc, sugar, starch, and a fatty material.

The article was alleged to be misbranded in that statements borne on the bottle labels and cartons and contained in an accompanying circular, falsely and fraudulently represented the curative or therapeutic effects of the article with respect to boils, pimples, carbuncles, tonsillitis, simple sore throat, canker sores in the mouth, discharging ears, infected wounds, and many other septic infections, inflamed cuts and lacerations, sprains, bruises, abscesses, ulcerated teeth, sore throat, septic infections, infected wounds, ulcers about the teeth, and other conditions where there is a tendency to inflammation and pus and blood poison.

On December 4, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26812. Adulteration and misbranding of Antiseptol. U. S. v. 25 Cans of Antiseptol. Default decree of condemnation and destruction. (F. & D. no. 38371. Sample no. 13218–C.)

The label of this product bore false and misleading representations regarding its antiseptic and disinfecting properties, and false and fraudulent representations regarding its curative and therapeutic effects.

On September 30, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cans of Antiseptol at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about June 6, 1936, by the Giustino Sallusto Co., from New York, N. Y., and that its was adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of boric acid, zinc sulphate, and menthol. Bacteriological test of the article showed that it was not antiseptic when used as directed.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, (in Italian) "Antiseptic—Disinfectant * * * (For Vaginal Douches)", since the article was not antiseptic and was not disinfectant for vaginal douches.

The article was alleged to be misbranded in that the statements, (in Italian) "Antiseptol * * * Antiseptic—Disinfectant * * * (For Vaginal Douches) Recommended for * * * disinfecting the female sexual organs * * * Add a teaspoonful of Antiseptol to a liter of boiled water and shake well until dissolved. After it has cooled use as a vaginal wash", appearing on the label, were false and misleading in that it was not antiseptic and was not disinfectant for vaginal douches. The article was alleged to be misbranded further in that the statements regarding its curative or therapeutic effect. "Recommended for * * * disinfecting the female sexual organs, for soothing the burning caused by inflammation of the vaginal walls, for dissolving the mucous and pathological secretions and for all cases in which it is desired to obtain a preventive action against any female disease and against infections in general", appearing in Italian on the label, falsely and fraudulently represented that it was capable of producing the curative or therapeutic effect claimed in said statements.

On November 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26813. Misbranding of Lane's Pills. U. S. v. 288 Packages of Lane's Pills. Default decree of condemnation and destruction. (F. & D. no. 38378. Sample no. 15760–C.)

The packages containing this article and an accompanying circular bore and contained false and fraudulent curative or therapeutic claims.

On October 5, 1936, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 288 packages of Lane's Pills at Atlanta, Ga., allegeing that the article had been shipped in interstate commerce on or about August 7, 1936, by Charles E. Lane & Co., from St. Louis, Mo., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of calomel, a laxative plant drug, sugar, and small quantities of ferrous carbonate and strychnine.

It was alleged to be misbranded in that the following statements, borne on the wholesale carton, on the retail carton, and contained in a circular enclosed in the retail carton, falsely and fraudulently represented that it was capable of producing the curative or therapeutic effects claimed in said statements: (Wholesale carton) "For * * * Soreness in the Bowels * * * Dull Headaches, Dizziness and all Liver Troubles. Keep the Bile Flowing and Your Insides Clean * * * If you need a Liver Medicine Try Lane's Pills. If Your Tongue is Coated If Your Breath is Bad * * *"; (retail carton) "'Are Best for the Liver'. * * * For the treatment of * * * Torpid Liver and Disordered Stomach. Good for Bad Livers"; (circular) "* * * Aid Elimination The lack of proper elimination often causes Sick Headaches, Indigestion, Dizziness, Soreness in the Bowels, * * * Heartburn, Coated Tongue, Belching Up Food, * * * Bad Breath, Torpid Liver These things and many more, show that nature in its work, needs assistance. Take one Lane's Pill tonight at bedtime and see how it will assist nature in aiding you back to normalcy. Haven't you always noticed, that when your Doctor is called in, that the first questions he asks are: 'Let's See Your Tongue. How are Your Bowels? Is Your Liver Working Right?' By these questions, he can usually determine if there is proper elimination, * * * For over indulgence in food or drink, use Lane's Pills to aid nature in eliminating the excess that it cannot properly take care of. Many minor ailments are caused by a lack of bile or too small a distribution of bile, for as you know, bile is nature's antiseptic and is stored up in the gall bladder to be sent out into the intestines to help keep them pure. Medical authorities tell us that making of bile is one of the functions of the liver. That is why we ask you to use Lane's Pills to assist nature in this work. Lane's Pills are not a cure, they are offered as an aid to elimination, as an aid to the bowels, and as an aid to the liver. When you buy a medicine as an aid to the above troubles, be sure you ask your Druggist if it: Will Make The Bile Flow Will Act On The Liver Will Aid The Bowels In Carrying Off Putrid And Decayed Matter Will Aid In The Elimination Of Poisons Or Toxins * * * If faulty elimination is the cause of occasional constipation, we advise that you take one Pill at bedtime for three nights in succession, then take a Pill once each week until corrected. For over indulgence in food or drink, take one Pill when you retire to aid elimination, possibly preventing a headache the morning after. For * * * Indigestion, Dizziness, Soreness in the bowels, Coated Tongue, Belching up food, Bad breath, Torpid liver, caused by faulty elimination, take one pill every other night until three are taken then one occasionally to keep the bowels open."

On December 8, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26814. Adulteration and misbranding of Dr. Mary E. Stewart's Antiseptic Powder. U. S. v. 536 Bottles of Dr. Mary E. Stewart's Antiseptic Powder. Default decree of condemnation and destruction. (F. & D. no. 38398. Sample nos. 27801–C, 27802–C.)

This case involved a drug preparation which fell below the antiseptic strength claimed and which bore on the labeling false and fraudulent curative and therapeutic claims.

On October 7, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 536 bottles of Dr. Mary E. Stewart's Antiseptic Powder at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about June 17 and July 3, 1936, by the American Pharmaceutical Co., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of boric acid, zinc sulphate, flavored with eucalyptol and methyl salicylate. Bacteriological examination showed that it was not an antiseptic when used as directed in the labeling.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Antiseptic * * * Dissolve two level teaspoonsful in a little boiling water, then add two quarts of luke warm water. Use as a douche."

The article was alleged to be misbranded in that the above-quoted statements on the label were false and misleading and in that the following statements on the label regarding its curative and therapeutic effects, "Protect your health * * * Used in the treatment of the inflamed conditions of the Vaginal Mucous Membrane, Catarrhal infection, Leucorrhoea, Pruritis discharges, etc.", were false and fraudulent.

On January 21, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26815. Adulteration and misbranding of Isdahl's Poultry Cod Liver Oil. U. S. v. 8 Drums of Cod Liver Oil. Default decree of condemnation and destruction. (F. & D. nos. 38423, 38424. Sample nos. 13038–C, 13039–C.)

This product differed from the standard for cod-liver oil prescribed in the United States Pharmacopoeia in that it was found to have a color darker than that prescribed by said standard, to have a rancid odor, to deposit stearin when immersed in a mixture of ice and distilled water for 5 hours, and to contain less than 85 U. S. P. units of vitamin D per gram; a portion also contained more than 1.3 percent of unsaponifiable matter.

On October 19, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight drums of Isdahl's Poultry Cod Liver Oil at Odessa, N. Y., alleging that the article had been shipped in interstate commerce on or about March 14, 1935, by McKesson & Robbins from Bridgeport, Conn., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article contained in the eight drums was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and it differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia in that the article had a color darker than the color for cod-liver oil as prescribed in said pharmacopoeia, had a rancid odor, deposited stearin when immersed in a mixture of ice and distilled water for 5 hours, and contained less than 85 U. S. P. units of vitamin D per gram; and the article contained in three of the eight drums thereof differed from said standard in the additional respect that it contained more than 1.3 percent of unsaponifiable matter. The article was alleged to be adulterated further in that its strength and purity fall below the professed standard and quality under which it was sold, namely, "2660 Vit D per fl. oz. U. S. P. 10 1934 Revised", in that the article contained less than 2,660 vitamin D units per fluid ounce U. S. P. 10, 1934 revised.

The article was alleged to be misbranded in that the statement, "2660 Vit D per fl. oz. U. S. P. 10 1934 Revised", appearing on the label, was false and misleading in that the article contained less than 2,660 vitamin D units per fluid ounce U. S. P. 10, 1934 revised.

On November 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26816. Adulteration and misbranding of Lane's Tea. U. S. v. 48 Packages, 35 Packages, and 14 Packages of Lane's Tea. Default decree of condemnation and destruction. (F. & D. no. 38427. Sample no. 5655–C.)

This drug preparation was infested with insects and it was labeled with false and fraudulent curative and therapeutic claims.

On October 17, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 small packages, 35 medium packages, and 14 large packages of Lane's Tea at Cleveland, Ohio, alleging that it had been shipped in interstate commerce on or about June 27,

1936, by Kemp & Lane, Inc., from Le Roy, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, (all cartons) "A * * * Vegetable Remedy", (some cartons) "contains Alexander Senna Anise Seed Fennel Seed Licorice Root Elecampane Root and Coriander Seed", (other cartons) "contains Alexandria Senna, Anise Seed, Fennel Seed, Licorice Root, Elecampane Root and Coriander", since it was infested with insects.

It was alleged to be misbranded in that the statements "Remedy for * * * Faulty Intestinal Elimination * * * it helps to perform * * * normal elimination", were statements regarding the curative or therapeutic effects of the article and were false and fraudulent.

On January 5, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26817. Adulteration and misbranding of absorbent cotton. U. S. v. 4 Cases of Absorbent Cotton. Default decree of condemnation and destruction. (F. & D. no. 38459. Sample no. 9425–C.)

This absorbent cotton was represented on the label as pure and sterilized when it contained viable micro-organisms.

On October 24, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cases of absorbent cotton at New York, N. Y., alleging that it had been shipped in interstate commerce on or about July 9, 1936, by the New Aseptic Laboratories, from Columbia, S. C., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard under which it was sold, namely, "Pure Sterilized", in that it was not pure and was not sterilized, but did contain viable micro-organisms.

It was alleged to be misbranded in that the statement on the label, "Pure Sterilized * * * Absorbent Cotton", was false and misleading when applied to an article that contained viable micro-organisms.

On November 13, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26818. Adulteration and misbranding of Clinic Gauze Bandage. U. S. v. 5 Gross of Clinic Gauze Bandage. Default decree of condemnation and destruction. (F. & D. no. 38466. Sample no. 6849–C.)

The package containing this article bore false and misleading representations that it was sterile, and a false and misleading representation as to the name and address of the manufacturer.

On October 29, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5 gross packages of Clinic Gauze Bandage at New Orleans, La., alleging that it had been shipped in interstate commerce on or about June 30, 1936, by Seabury & Johnson from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard and quality under which it was sold, namely, "This sterilized gauze bandage * * *", in that it was not sterile, but was contaminated with viable micro-organisms.

It was alleged to be misbranded (1) in that the statements appearing upon the package, "Clinic Gauze Bandage" and "This sterilized gauze bandage has been manufactured * * * for surgical and home uses", were false and misleading when applied to gauze bandage that was not sterile, but was contaminated with viable micro-organisms; and (2) in that the statement appearing upon the package, "Tip-Top Products Co. New York Chicago San Francisco", was false and misleading in that the name and the addresses stated were not the name and addresses of the manufacturer of the article.

On November 27, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26819. Misbranding of Lee's Prescription. U. S. v. 30 Bottles of Lee's Prescription. Default decree of condemnation and destruction. (F. & D. no. 38498. Sample no. 18437–C.)

This article contained acetophenetidin, a derivative of acetanilid, that was not declared on the label, which also bore false and fraudulent curative or therapeutic claims.

On November 5, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 bottles of Lee's Prescription at Buffalo, N. Y., alleging that it had been shipped in interstate commerce on or about September 23, 1936, by the Erie Laboratories from Cleveland, Ohio, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article, which was in the form of capsules, showed that it contained 3.62 grains of acetophenetidin, 3.52 grains of acetylsalicylic acid, and caffeine in each capsule.

It was alleged to be misbranded in that it contained acetophenetidin, a derivative of acetanilid, and the package failed to bear a statement of the quantity or proportion of acetophenetidin contained therein. Said article was alleged to be misbranded further in that the statements, "For lessening the Paroxysms of Hay Fever * * * Rose Fever, Sinus, * * * La Grippe, Running Nose, Weeping Eyes, * * * Etc.", appearing on the bottle label, falsely and fraudulently represented that it was capable of producing the effects claimed.

On November 30, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26820. Misbranding of Vacher-Balm. U. S. v. 141 Packages of Vacher-Balm. Default decree of condemnation and destruction. (F. & D. no. 38519. Sample no. 17199–C.)

The label of this article bore false and fraudulent representations regarding its curative or therapeutic effects.

On November 7, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 141 packages of Vacher-Balm at Newburgh, N. Y., alleging that it had been shipped in interstate commerce on or about January 16, 1936, by James F. Stras from La Crosse, Wis., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of menthol, oil of eucalyptus, and petrolatum.

It was alleged to be misbranded in that the following statements, borne on the label, falsely and fraudulently represented that it was capable of producing the curative or therapeutic effects claimed in said statements: "For Catarrh, spasmodic Croup and Pain. Reduces superficial inflammation and helps to prevent infection. * * * Try For Any Pain For spasmodic Croup, apply on Throat and Chest, cover with flannel. For Catarrh insert in nose and allow a little to dissolve in the mouth. * * * While relieving Pain with Vacher-Balm always try to remove the cause by proper medical Treatment."

On December 5, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the article be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26821. Misbranding of Lee's Creo-Lyptus. U. S. v. 1,986 Bottles of Lee's Creo-Lyptus. Default decree of condemnation and destruction. (F. & D. no. 38565. Sample no. 16932–C.)

The labeling of this product contained false and fraudulent curative or therapeutic claims; and the bottle label bore a false and misleading statement that it contained 3 minims of chloroform per ounce, that it had been examined and approved by the United States Government, that it complied with the law, and that it was guaranteed by the Government to comply with the law.

On November 18, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,986 bottles of Lee's Creo-Lyptus at New York, N. Y., alleging that it had been shipped in interstate commerce on or about June 26, 1936, by the Washington Wholesale

Drug Exchange from Washington, D. C., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of ammonium chloride, sugar, alcohol, water, and small quantities of creosote, pine tar, and eucalyptol.

The article was alleged to be misbranded in that the following statements, borne on the bottle labels, on display cartons, and on an advertising poster accompanying the shipment, falsely and fraudulently represented that it was capable of producing the curative or therapeutic effects claimed in said statements: (Bottle labels) "* * * quickly relieves persistent Coughs, * * * Spasmodic Croup, Bronchial Congestion, Whooping Cough. * * * Adults—Sip enough to cover throat every 15 to 20 minutes until relieved, * * * Children—For whooping cough and croup, * * * should be taken regularly according to directions as long as cough is evident. Inflamed tissues are quickly relieved"; (display cartons) "* * * for Coughs * * * and Bronchial Congestion Quick Relief To Persistent And Chronic Cases Recommended for Spasmodic Croup And Whooping Cough. * * * Stops Coughs * * * Creosote—It is used in the treatment of tuberculosis, pneumonia and bronchitis. It is recommended and asserted to have equally beneficial effect upon the bronchial mucous. Creosote was originally introduced in the treatment of tuberculosis on account of its antiseptic action on the lungs. Its beneficial influence in this disease can be ascribed to its stimulating effect on the bronchial mucous membrane. For this action it is also a very valuable drug in the treatment of all types of chronic bronchitis. It is considered very reliable in the treatment of chronic inflammation of the air passages. Creosote if taken over a short period of time is taken in the blood tract and carried to the lungs, saturating them to the extent that it is next to impossible for pneumonia germs to exist. Squills— * * * Used as an expectorant in bronchitis and Spasmodic Croup. Oil Eucalyptus—Oil Eucalyptus is an active germicide. It is absorbed through the intestinal tract. Oil Eucalyptus is used as an antiseptic especially in the treatment of infections of the upper respiratory tract, and as a stimulating expectorant in chronic bronchitis and tuberculosis. It has been especially praised in asthma. Grindelia—Chiefly used as an antispasmodic in the treatment of Asthma and Bronchitis where there is a tendency to dyspnoea (difficult or labored breathing) and bronchial spasms. In chronic bronchitis of aged persons it is particularly salutary. It has been especially useful in the treatment of Whooping Cough and Spasmodic Croup. Senega—Asserted in the treatment of Catarrhal affections, Coughs, * * * Croup, Whooping Coughs, Asthma, etc."; (window poster) "Stop that Cough, * * * or Croup. * * * quickly relieves persistent Coughs. * * * Spasmodic Croup, Bronchitis, Asthma, Whooping Cough. Prevents Pneumonia."

The article was alleged to be misbranded further (1) in that the statement, "Chloroform 3 Mi. to oz.", borne on the bottle labels, was false and misleading when applied to an article that contains less than 3 minims of chloroform to an ounce; and (2) in that the statement, "Contents of this package are guaranteed to comply with all Federal and State Pure Food Laws", borne on the bottle labels, was false and misleading in that the article had not been examined and approved by the Government of the United States, it did not comply with the law, and the Government had not guaranteed that it did so comply.

On December 5, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26822. Misbranding of solution carbon tetrachloride compound. U. S. v. The National Drug Co. Plea of nolo contendere. Judgment of guilty. Fine, $50 and costs. (F. & D. no. 38590. Sample no. 64570–B.)

This case involved a drug product that contained carbon tetrachloride, a potentially dangerous drug, in an amount greatly in excess of that declared on the label.

On November 23, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Drug Co., a corporation, of Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act on or about May 6, 1935, from the State of Pennsylvania into the State of Georgia of a quantity of solution carbon tetrachloride compound that was misbranded. The article was labeled in part: "Comp. Tetra-

chloride . . . . . 61 grs. Castor Oil each q. s. 1 fl. oz. * * * The National Drug Co. Philadelphia, U. S. A."

The article was alleged to be misbranded in that the statement, "Carbon Tetrachloride 61 grs. * * * each q.s. 1 fld. oz.", borne on the bottle label, was false and misleading since it represented that each fluid ounce of the article contained 61 grains of carbon tetrachloride; whereas each fluid ounce contained more than 61 grains, namely, not less than 109.5 grains of carbon tetrachloride.

On January 15, 1937, a plea of nolo contendere having been entered, the defendant was adjudged guilty and fined $50 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

26823. Adulteration and misbranding of gauze pads. U. S. v. 600 Boxes of Gauze Pads. Default decree of condemnation and destruction. (F. & D. no. 38709. Sample nos. 17433–C, 17434–C.)

The gauze pads in this interstate shipment were labeled with a false and misleading representation that they were sterile; and with a false and misleading misrepresentation as to the identity and address of the manufacturer of the article.

On November 25, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 boxes of gauze pads at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 26, 1936, by the Handy Pad Supply Co., from Worcester, Mass., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

Examination of the pads showed that they were not sterile, but were contaminated with both aerobic and anaerobic bacteria.

The article was alleged to be adulterated in that its purity fell below the professed standard under which it was sold, namely, "Sterilized."

Said article was alleged to be misbranded in that the statement "Sterilized", borne on the label, was false and misleading when applied to an article that was not sterile but was contaminated with both aerobic and anaerobic bacteria. Said article was alleged to be misbranded further in that the statement, "Guarantee Truss Co., 641 Amsterdam Ave., 3–5 E. 116th & 449 E. 149th Sts., New York, N. Y.", borne on the boxes, was false and misleading in that the name and address stated were not the name and address of the manufacturer of the article.

On December 5, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26824. Misbranding of Gay. U. S. v. 120 Packages and 99 Packages of Gay. Default decrees of condemnation and destruction. (F. & D. nos. 38732, 38747. Sample nos. 15369–C, 27964–C.)

The quantity or proportion of acetophenetidin, a derivative of acetanilid, contained in this article was not declared on the label; the package contained a statement that it contained no harmful drugs and that it could be used with utmost confidence, when it did contain a drug that might be harmful and could not be taken with the utmost confidence in the dose recommended; and the package and label bore and contained false and fraudulent representations regarding its curative or therapeutic effects.

On December 1 and 4, 1936, the United States attorneys for the District of New Jersey and the District of Delaware, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 120 packages of Gay at Trenton, N. J., and 99 packages at Wilmington, Del., alleging that the article had been shipped in interstate commerce on or about October 3, 1936, by the F. H. Fowles Co., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the article consisted of tablets containing acetylsalicylic acid (approximately 2.15 grains), acetophenetidin (approximately 1.73 grains), caffeine (0.25 grain), and plant material including viburnum.

The article was alleged to be misbranded in that the package failed to bear on the label a statement of the quantity or proportion of acetophenetidin, a derivative of acetanilid, contained therein; in that the statement in a leaflet contained in the package, "Gay contains no harmful drugs or narcotics—is not habit forming—may be used with utmost confidence. Dose: One or two tablets taken in water. Repeat in one hour if necessary", was false and misleading

since the article taken in the dose recommended contained a harmful drug which could not be used with the utmost confidence. Misbranding was alleged for the further reason that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Wholesale carton) "Prompt Relief From Menstrual Pain For Relief From Menstrual Pain"; (retail tin) "For Prompt Relief of Menstrual Pain"; (leaflet) "A Specially Developed Formula Gay, perfected over a period of years, and subjected to thousands of tests, bears unqualified endorsement and recommendation for relief in the treatment of menstrual pain due to normal causes. Gay contains no harmful drugs or narcotics—is non-habit forming—may be used with utmost confidence. Dose: One or two tablets taken with water. Repeat in one hour if necessary. (Note: Gay is not intended to cure menstrual disorders of long standing. Where the case is extremely stubborn or irregular, see your physician.) * * * is the modern way to relieve menstrual pain."

On December 31, 1936 and January 21, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26825. Adulteration and misbranding of Bol Lecznik Liniment. Misbranding of Musterdone, Universal Kidney, Liver and Stomach Tea, Universal Stomach Drops, Universal White Pine Cough Balsam, and Masc Zywokostowa Ucco Salve. U. S. v. 44 Packages of Musterdone, and other libel proceedings. Default decrees of condemnation and destruction. (F. & D. nos. 38770 to 38775, incl. Sample nos. 6670–C to 6675–C, incl.)

These drug preparations were misbranded because of false and fraudulent curative and therapeutic claims in the labeling. The Bol Lecznik Liniment was adulterated and misbranded further since it contained less chloroform and more alcohol than declared; no declaration of ether nor of chloroform was made on the bottle label, and the declaration on the carton was incorrect.

On December 11, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 44 packages of Musterdone, 48 packages of Universal Kidney, Liver and Stomach Tea, 30 bottles of Bol Lecznik Liniment, 30 packages of Universal Brand Stomach Drops, 68 packages of Universal Brand White Pine Cough Balsam, and 32 jars of Masc Zywokostowa Ucco Salve at New Orleans, La., alleging that the articles had been shipped in interstate commerce, on or about October 7 and October 13, 1936, by the Reliable Merchandise Co., from Chicago, Ill., and charging adulteration and misbranding of the Bol Lecznik Liniment, and misbranding of the remaining products in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles showed that they consisted essentially of the following ingredients: (Musterdone) camphor, menthol, salicylic acid, wintergreen oil, and volatile mustard oil incorporated in petrolatum; (Universal Kidney, Liver and Stomach Tea) dried herbs and seeds including anise, lavender and senna; (Bol Lecznik Liniment) alcohol (60.8 percent), chloroform (4.6 minims per fluid ounce), ether, ammonia, capsicum, water, and volatile oils such as peppermint oil and mustard oil; (Universal Brand Stomach Drops) alcohol, water, glycerin, capsicum, a laxative plant drug, and peppermint oil; (Universal White Pine Cough Balsam) pine tar, salicylic acid, resinous material, alcohol, and water; and (Masc Zywokostowa Ucco Salve) menthol, camphor, eucalyptol, oil of wintergreen and salicylic acid incorporated in petrolatum.

The Bol Lecznik Liniment was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "alcohol 41% * * * chloroform 72 M. to 1 oz.", since the article did not contain 41 percent of alcohol but contained a greater amount and it did not contain 72 minims of chloroform in 1 ounce but did contain less than 72 minims of chloroform per ounce.

Misbranding was alleged with respect to the Bol Lecznik Liniment in that the package failed to bear on the label a statement of the quantity or proportion of alcohol, of ether, an alcohol derivative, and of chloroform contained therein, since the declaration of alcohol borne on the carton and label was incorrect, no declaration of ether nor of chloroform was made on the label, and the declaration of chloroform made on the carton was incorrect.

Misbranding was alleged with respect to all products for the reason that the following statements borne on the labeling, regarding the curative or

therapeutic effects of the article, were false and fraudulent: (Musterdone, jar label) "For Sore Throat, Tonsilitis, Stiff Neck, Neuralgia, Rheumatism, Congestion, * * * Sore Muscles, * * * Bronchitis, Croup, * * * Lumbago, * * * Pains and Aches of the Back and Joints, Colds in Chest. (It often prevents Pneumonia.) * * * In severe cases"; (carton) "For * * * aches and pains Musterdone will be found much more * * * effective. * * * For Sore Throat, Tonsilitis, Stiff Neck, Neuralgia, Rheumatism, Congestion, * * * Sore Muscles, * * * Bronchitis, Croup * * * Lumbago, * * * Pains and Aches of the Back or Joints. Colds in Chest. It often prevents Pneumonia. * * * In severe cases * * *"; (Universal Kidney, Liver and Stomach Tea) "Kidney, Liver and Stomach Tea A Harmless, Safe and Certain Remedy for * * * Dyspepsia, Nervous Debility, Liver and Kidney Complaints, Female Weaknesses, Painful and Suppressed Menstruation. Purifies The Blood And Ensures Perfect Health * * * Kidney, Liver And Stomach Tea * * * is nature's remedy for all afflictions of the Stomach, Liver and Kidneys. * * * is without a peer. It has a specific action on the Kidneys and Urinary Tract and exerts a decidedly beneficial effect in cleansing and stimulating the walls of the bladder. A Torpid Liver, with coated tongue, offensive breath, impaired digestion, and the general debilitated condition of the system which occurs when the liver does not perform its proper functions, will be corrected and remedied by the use of Universal Kidney, Liver and Stomach Tea. The Pride of A Woman * * * a good complexion. By the Use Of Universal Kidney, Liver and Stomach Tea that much sought for, and ever desired perfect complexion is attained. * * * Nature's Most Wonderful Remedy for Kidney, Liver and Stomach Troubles. Will surely relieve nervousness, headache, insomnia, indigestion, torpid liver and all diseases arising from disorders of the Stomach, Liver and Kidneys"; (Bol Lecznik Liniment, bottle label, in English) "Rub the painful spots", (carton, in English) "Indicated in the Treatment of Muscular Rheumatism, Stiff Neck, Pains In The Sides, Chest And Back, * * * Nasal Catarrh, Grippe, Neuralgia, Sore Throat, Coughs", (bottle label and carton, in Polish) "Bol Lecznik (Pain Medicine)"; (Universal Brand Stomach Drops, bottle label, English) "Stomach Drops These drops are intended for the treatment of Stomach And Bowel derangements such as Cramps commonly called Stomachache, Dysentery, Diarrhea, Colicky Pains in indigestion and weak stomach. ¼ teaspoonful in water, taken before meals, stimulates the stomach and digestive organs, thereby * * * aiding digestion. * * * They are safe for children in summer complaint. Dose: In cases of pain, colic, cramps or distress in stomach, take ½ to 1 teaspoonful every hour in a little warm or cold water, sweetened if preferred, until relieved. In diarrhea or dysentery take every 2 to 3 hours. * * * In severe cases take oftener, also rub the stomach externally with the drops", (carton, in English) "Stomach Drops * * * These drops have a wonderful healing power, they will relieve all Stomach and Bowel Complaints", (carton, in Polish) "Stomach Drops. Stomach drops possess an amazing medicinal power—such as repairing by means of proven extracts * * * thus those ailing who seek it become convinced that it is the eventual remedy against diseases and ailments of all kinds, such as; cholera morbus, stomachache, colic, indigestion, backache, the one and only remedy for children's diseases, sore throat, pain in the chest, asthma, and generally for any diseases. Every sufferer can convince himself of the truth of the effects of California Stomach Drops, using from 5 to 15, or even (as little as) half a coffee spoonful, according to the age of the sick person", (carton, in Bohemian) "Stomach Drops. These stomach drops have surprising medicinal power," (carton, in German) "Stomach Drops. These drops have a wonderful healing power. * * * Everyone is advised to convince himself of their powerful action"; (Universal Brand White Pine Cough Balsam, bottle label) "Cough Balsam * * * An Effective Remedy for Coughs, * * * Hoarseness, Sore Throat, Bronchitis and Other Affections of the Throat and Lungs. * * * One Teaspoonful every 2 or 3 hours until relieved", (carton) "Cough Balsam * * * An Effective Remedy for Coughs, * * * Hoarseness, Sore Throat, Bronchitis And Other Affections of the Throat and Lungs", (Masc Zywokostowa Ucco Salve, jar label, in English) "Sore Throat, Tonsilitis, Stiff Neck, Neuralgia, Rheumatism, Congestion, * * * Sore Muscles, * * * Bronchitis, Croup, * * * Lumbago, * * * Pains and Aches of the Back or Joints, Colds in Chest. It often prevents Pneumonia", (jar label, in Polish) "* * * proven remedy for * * * swellings, rheumatism, lumbago, stiff neck."

On January 6, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

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[1] Contains remarks by the court.

U. S. GOVERNMENT PRINTING OFFICE: 1937

N. J., F. D. 26826–26950 Issued July 1937

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

26826–26950

[Approved by the Secretary of Agriculture, Washington, D. C., May 17, 1937]

26826. Adulteration and alleged misbranding of butter. U. S. v. John Newton Hall (Lexington Ice & Creamery Co.). Tried to the court and a jury. Verdict of guilty on adulteration charges; not guilty on misbranding charge. Fine, $400 and costs. (F. & D. no. 34057. Sample no. 4177–B.)

This butter was deficient in milk fat and contained filth and mold.

On September 23, 1935, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John Newton Hall, trading as the Lexington Ice & Creamery Co., Lexington, Miss., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about July 24, 1934, from the State of Mississippi into the State of Louisiana of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Creamery Butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance and in that a product containing less than 80 percent of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

It was alleged to be misbranded in that the statement "Butter", borne on the case containing the article, was false and misleading and in that it was labeled so as to deceive and mislead the purchaser, since said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat; whereas it contained less than 80 percent by weight of milk fat.

On November 4, 1936, the case was tried to a jury, and a verdict of guilty was returned on counts 1 and 2 charging adulteration of the product and not guilty on count 3 charging misbranding. The court imposed a fine of $400 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

26827. Adulteration and misbranding of tomato sauce. U. S. v. 205 Cases of Tomato Sauce. Default decree of condemnation and destruction. (F. & D. no. 35377. Sample no. 21199–B.)

This tomato sauce was of domestic origin but was labeled to indicate that it was of foreign origin and that it had been packed by a firm other than the real packer. Samples of the product were found to contain filth resulting from worm infestation.

On April 16, 1935, and on October 11, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel and an amended libel, respectively, praying seizure and condemnation of 205 cases of canned tomato sauce at New York, N. Y., alleging that it had been shipped in interstate commerce on or about October 27, 1934, by Anaheim Canning Co. Inc., from Anaheim, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Grande Italia Brand Naples Style Pure Tomato Sauce * * * Packed in U. S. A. Ossola Brothers, Inc. New York Pittsburgh."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

The article was alleged to be misbranded in that the statements "Grande Italia" and "Naples Style", together with a map of Italy and a picture of tomatoes so designed as to make them appear to be pear-shaped, or Italian, tomatoes, all appearing on the label, were misleading and tended to deceive and mislead the purchaser when applied to a domestic product, and this misbranding was not corrected by the inconspicuous declaration on the side panel, "Packed in U. S. A."; in that the article purported to be a foreign product when not so, and in that the statement on the label, "Ossola Brothers, Inc.", was misleading and tended to deceive and mislead the purchaser, since it implied that Ossola Bros., Inc., were the packer, which was not the case.

On December 14, 1936, Ossola Bros., Inc., having withdrawn its claim and answer, previously filed, judgment of condemnation was entered and it was ordered that the product be destroyed and that costs be taxed against the claimant.

W. R. GREGG, *Acting Secretary of Agriculture.*

26828. Misbranding of whisky. U. S. v. 23 Cases, 109 Cases, and 13 Cases of Whisky. Consent decree of condemnation and destruction. (F. & D. no. 35967. Sample nos. 31006–B, 31007–B, 31008–B.)

This case involved whisky which was misbranded as to its age.

On June 28, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cases of "Silver Brook Straight Whiskey" and 122 cases of "Lord Bacon Straight Whiskey" at Newark, N. J., alleging that the article had been shipped in interstate commerce by the Reo Distillers, Inc., from Newark, N. J., in part to Tampa, Fla., and in part to Houston, Tex.; that it had been returned from the consignees on or about May 27 and June 4, 1935, and that it was misbranded in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statements, "Distilled January, 1934, Bottled January, 1935 * * * 12 months old" with respect to the Silver Brook brand, and "Distilled in January, 1934, Bottled January, 1935" with respect to the Lord Bacon brand were false and misleading and tended to deceive and mislead the purchaser when applied to whisky less than 1 year old.

On July 30, 1936, the Reo Distillers, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26829. Misbranding of alfalfa meal. U. S. v. Tremaine Alfalfa Ranch & Milling Co., Inc. Plea of guilty. Fine, $50. (F. & D. no. 35931. Sample no. 10151–B.)

This case involved a product that contained smaller percentages of crude protein and nitrogen-free extract and a larger percentage of crude fiber than declared on the label.

On September 9, 1935, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Tremaine Alfalfa Ranch & Milling Co., Inc., Mesa, Ariz., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 24, 1934, from the State of Arizona into the State of Texas of a quantity of alfalfa meal that was misbranded. The article was labeled in part: "Tremaine Brand Alfalfa Meal * * * Manufactured by Tremaine Alfalfa Ranch & Milling Company, Inc., Mesa, Arizona."

It was alleged to be misbranded in that the statements, "Guaranteed Analysis: Crude Protein, not less than 16.0 per cent * * * Nitrogen Free Extract, not less than 40.0 per cent * * * Crude Fiber, not more than 25.0 per cent", borne on the tags attached to the bags containing the article, were false and misleading; and in that the article was labeled as aforesaid so as to deceive and mislead the purchaser since it contained less than 16 percent of crude protein, less than 40 percent of nitrogen-free extract, and more than 25 percent of crude fiber.

On September 26, 1936, the defendant filed a demurrer to the information, which was argued October 26, 1936, and overruled without opinion. On November 24, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50.

W. R. GREGG, *Acting Secretary of Agriculture.*

26830. Adulteration and misbranding of olives. U. S. v. Libby, McNeill & Libby. Plea of guilty. Fine, $35. (F. & D. no. 36020. Sample nos. 32210–B, 32211–B, 33283–B.)

The containers of this article bore labels that misrepresented the weight of their contents. One of the lots was in part wormy and decomposed.

On November 13, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Libby, McNeill & Libby, a corporation trading at Blue Island, Ill., alleging shipment by it in violation of the Food and Drugs Act as amended, in the period from on or about March 7, 1935, to on or about May 2, 1935, from Blue Island, Ill., to Milwaukee, Wis., of quantities of olives that were misbranded and a part of which were adulterated. The article was labeled in part: "Net Weight 12 Oz. Libby's * * * Spanish Olives Packed By Libby, McNeill & Libby Chicago; "Rose-Dale Brand Spanish Olives Net Weight 1 Lb. 6 Oz. Packed By Libby, McNeill & Libby Chicago."

The information charged that a portion of the Rose-Dale brand was adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

Misbranding of the product in all shipments was charged in that the statements on the labels, "Net Weight 12 Oz." with respect to Libby's brand, and "Net Weight 1 Lb. 6 Oz." with respect to the Rose-Dale brand, were false and misleading in that said statements were borne on the jars so as to deceive and mislead the purchaser; and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the jars contained less than the amount declared.

On February 10, 1936, a plea of guilty having been entered, a fine of $35 was imposed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26831. Adulteration of cheese. U. S. v. Leslie F. Radke (North Road Factory). Plea of guilty. Fine, $25. (F. & D. no. 36026. Sample nos. 32042–B, 32043–B, 32044–B.)

This case involved cheese that contained evidence of the presence of filth.

On April 20, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Leslie F. Radke, trading as the North Road Factory, Watertown, Wis., alleging shipment by said defendant in violation of the Food and Drugs Act on or about March 27, March 30, and April 3, 6, 10, and 13, 1935, from the State of Wisconsin into the State of Illinois of quantities of cheese that was adulterated.

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance.

On January 22, 1937, the defendant entered a plea of guilty and the court imposed a fine of $25.

W. R. Gregg, *Acting Secretary of Agriculture.*

26832. Misbranding of cream of tartar, black pepper, and paprika. U. S. v. Michael Temkin (Temson Products Co.). Plea of guilty. Fine, $50. (F. & D. no. 36075. Sample nos. 32547–B, 32548–B, 32549–B.)

These products were short in weight.

On February 4, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Michael Temkin, trading as the Temson Products Co., Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 1, May 1, and July 11, 1935, from the State of Illinois into the State of Missouri of quantities of cream of tartar, black pepper, and paprika that were misbranded. The articles were labeled in part: (Can) "Very Best Brand * * * Cream Tartar 8 ozs. [or "Black Pepper * * * Net Weight 3 Ounces" or "Paprika * * * Net Weight 2½ Ounces"] Benaco Products Chicago, Ill."

The articles were alleged to be misbranded in that the statements, "3 Ozs." with respect to the cream of tartar, "Net Weight 3 Ounces" with respect to the black pepper, and "Net Weight 2½ Ounces" with respect to the paprika, borne on the can labels, were false and misleading and in that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the cans contained less than declared. Misbranding was alleged for the further reason that the articles were foods in package form and the quantity of the contents was

not plainly and conspicuously marked on the outside of the packages since the statements made were incorrect.

On January 4, 1937, the defendant entered a plea of guilty and the court imposed a fine of $50.

W. R. GREGG, *Acting Secretary of Agriculture.*

26833. Adulteration of tomato paste. U. S. v. 750 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 36283. Sample no. 35304–B.)

This product contained filth resulting from worm infestation.

On September 6, 1935, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 750 cases of tomato paste at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about July 19, 1935, from the Harbor City Food Corporation, Harbor City, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Campagnola Brand Tomato Paste * * * Packed by Harbor City Food Corporation [or "Harbor City Canning Co"] Los Angeles Calif."

The article was alleged to be adulterated in that it consisted in part of worm debris.

On January 19, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26834. Adulteration of canned salmon. U. S. v. 337 Cases and 3,147 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 36877. Sample nos. 54597–B, 54600–B, 64942–B, 64943–B.)

This case involved canned salmon that was in part decomposed.

On December 26, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 337 cases of red salmon and 3,147 cases of pink salmon at Seattle, Wash., alleging that it had been shipped in interstate commerce by the New England Fish Co., in part from Ketchikan, Alaska, on or about August 22, 1935, and in part from Noyes Island, Alaska, on or about September 28, 1935; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or part of a decomposed animal substance.

On February 8, 1937, the New England Fish Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it should not be disposed of in violation of the Food and Drugs Act.

W. R. GREGG, *Acting Secretary of Agriculture.*

26835. Adulteration of canned spinach. U. S. v. Bertes A. Rudolph. Plea of guilty. Fine $50 and costs. (F. & D. no. 36947. Sample no. 19572–B.)

This case involved canned spinach samples of which were found to contain worms, insects, and other extraneous material.

On April 1, 1936, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bertes A. Rudolph, a member of a firm trading as the Robinson Canning Co., Robinson, Ark., alleging shipment by said defendant in violation of the Food and Drugs Act on or about May 9, 1935, from the State of Arkansas into the State of Ohio, of a quantity of canned spinach that was adulterated.

The article was labeled in part: "King of Ozarks Brand Spinach * * * Packed by Robinson Canning Co., Robinson, Ark."

It was alleged to be adulterated in that it consisted in part of a filthy vegetable substance; in that worms, insects, wood slivers, grass twigs, wood chips, and sawdust, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality, and had been substituted in part for the article.

On February 2, 1937, the defendant having entered a plea of guilty, the court imposed a fine of $50 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

26836. Adulteration of canned salmon. U. S. v. Berg & Co., Inc. Plea of guilty. Fine, $100 and costs. (F. & D. no. 36948. Sample nos. 26560–B, 31393–B, 31398–B, 31400–B, 37580–B, 38085–B, 38087–B, 38088–B, 38095–B, 40529–B, 40562–B, 40802–B, 40803–B.)

These cases involved canned salmon that was in part decomposed.

On April 22, 1936, the United States attorney for the first division of the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Berg & Co., Inc., Ketchikan, Alaska, alleging shipment by said company, under the name of the Berg Packing Co., on or about August 2 and August 15, 1935, from the Territory of Alaska into the State of Washington of quantities of canned salmon that was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a decomposed and putrid animal substance.

On May 23, 1936, a plea of guilty was entered on behalf of the defendant and on February 11, 1937, judgment was entered imposing a fine of $100 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

26837. Adulteration and misbranding of condensed buttermilk, near-solid buttermilk, and milk powder. U. S. v. John A. Knudsen (Center Milk Products Co.). Plea of nolo contendere. Fine, $25 on first count. Imposition of sentence suspended on remaining counts. (F. & D. no. 37038. Sample nos. 42626–B, 43537–B, 43538–B, 43824–B, 43825–B, 44719–B, 50456–B, 54062–B.)

The condensed buttermilk and near-solid buttermilk contained fat other than milk fat and certain lots contained less total fat than the amount declared. The milk powder consisted of skim-milk powder.

On June 9, 1936, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John A. Knudsen trading as Center Milk Products Co., Middlebury Center, Pa. with places of business at Knoxville, Pa., and Frankfort, N. Y., alleging that the defendant had shipped from Knoxville, Pa., and Middlebury Center, Pa., into the States of Connecticut, New Jersey, and Massachusetts between the dates of September 16, 1935, and October 29, 1935, quantities of condensed buttermiik and near-solid buttermilk; that the defendant had shipped from Frankfort, N. Y., into the State of Pennsylvania, on or about November 4, 1935, a quantity of milk powder; that the defendant also had shipped from Frankfort, N. Y., through the Middle District of Pennsylvania into the State of New Jersey a quantity of near-solid buttermilk; and that the products were adulterated and misbranded in violation of the Food and Drugs Act. The articles were labeled in part, variously: "Big Y Condensed Buttermilk From Churned Cream * * * Fat 2% * * * Mfg For Yantic Grain & Products Co. Norwich Conn."; "Vita Brand Near Solid Buttermilk From Churned Cream * * * Fat 2% * * * Center Milk Products Co. * * * Middlebury Center, Pa."; and 'Vita Brand Milk Powder Full Cream Separated * * * Center Milk Products Co. * * * Middlebury Center Penna."

The condensed buttermilk and the near-solid buttermilk were alleged to be adulterated in that a substance, namely, fat other than milk fat, had been substituted in part for condensed buttermilk and near-solid buttermilk having a milk fat content amounting to 2 percent, which the articles purported to be. The milk powder was alleged to be adulterated in that skim-milk powder had been substituted for milk powder, which the article purported to be.

The articles were alleged to be misbranded in that the statements "condensed buttermilk", "near solid buttermilk from churned cream", and "milk powder" on the labels of the respective articles and the further statement "fat 2%", with respect to portions of the condensed buttermilk and near-solid buttermilk, were false and misleading and were applied to the articles so as to deceive and mislead the purchaser, since the products labeled "condensed buttermilk" and "near solid buttermilk" were composed in part of fat other than milk fat and a part thereof contained less than 2 percent of fat, and the product labeled "milk powder" was not milk powder but was skim-milk powder. The articles were alleged to be misbranded further in that they were offered for sale under the distinctive names of other articles.

On January 21, 1937, the defendant entered a plea of nolo contendere and the court imposed a fine of $25 on the first count. Imposition of sentence was suspended on the remaining counts.

W. R. Gregg, *Acting Secretary of Agriculture.*

26838. Adulteration of apple butter. U. S. v. D. B. Scully Syrup Co. Plea of nolo contendere. Fine, $50 and costs. (F. & D. no. 37039. Sample nos. 39363–B, 39368–B.)

This case involved apple butter that contained arsenic and lead in amounts which might have rendered it injurious to health.

On May 19, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the D. B. Scully Syrup Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act on or about August 29, August 31, and October 18, 1935, from the State of Illinois into the State of Wisconsin of quantities of apple butter that was adulterated. A portion of the article was labeled: "Silver Buckle Brand * * * Pure Apple Butter Distributed By E. R. Godfrey & Sons Co. Milwaukee, Wis." The remainder was labeled: "Bright Spot Pure Apple Butter Distributed By O. R. Pieper Co. Milwaukee Wis."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 9, 1936, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of $50 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

26839. Adulteration of tomato juice. U. S. v. Bertes A. Rudolph. Plea of guilty. Fine, $75 and costs. (F. & D. no. 37041. Sample nos. 49263–B, 49345–B, 49346–B, 52727–B, 52829–B, 52830–B, 68703–B.)

This case involved canned tomato juice that contained excessive mold.

On August 31, 1936, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bertes A. Rudolph, a member of a firm trading as the Robinson Canning Co., Robinson, Ark., alleging shipment by said defendant in violation of the Food and Drugs Act, between the dates of September 30, 1935, and January 16, 1936, from the State of Arkansas into the States of Oklahoma, Missouri, and Iowa of quantities of canned tomato juice that was adulterated. The article was labeled in part: "King of Ozarks Brand [or "Siloam Brand"] * * * Packed by Robinson Canning Co., Robinson, Ark., Tomato Juice."

It was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On February 2, 1937, the defendant having entered a plea of guilty, the court imposed a fine of $75 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

26840. Adulteration and misbranding of olive oil. U. S. v. Fifty-five 1-Gallon Cans of Olive Oil (and two other libel proceedings). Consent decree of condemnation. Product released under bond. (F. & D. nos. 37396, 37423, 37478. Sample nos. 61546–B, 61552–B, 61557–B, 61567–B.)

These cases involved olive oil which was adulterated with tea-seed oil.

On March 23, March 24, and March 30, 1936, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 90 gallon cans, 23 half-gallon cans, and 22 quart cans of olive oil at New Haven, Conn.; and 8 gallon cans and 5 half-gallon cans of olive oil at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce in various shipments on or about May 31, October 24, and November 8, 1935, by the Arte Products, Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled, "La Rosa Brand", and the remainder was labeled, "Arte Brand."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therein so as to reduce or lower its quality or strength, and had been substituted in whole or in part for olive oil, which the article purported to be.

Misbranding of the article was alleged in that the following statements and designs borne on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: (Arte brand) "Superfine Pure Olive Oil Imported Product * * *

Puro olio d'Oliva Sopraffino Prodotto Importato [design of olive branches and picture of a dish of green olives]", "Imported Product", "Prodotto Importato [design of Italian coat of arms and design of Italian flag]", "Imported Olive Oil"; (portion of La Rosa brand) "Superfine Quality * * * Pure Olive Oil Imported * * * Qualita Sopraffino * * * Puro Olio d'Oliva Importato This Olive Oil is guaranteed to be absolutely pure and is highly recommended for table and medicinal purposes * * * Questo Olio d'Oliva e garantito assolutamente puro ed e raccomandato per uso tavola e medicinale", "Imported Olive Oil [designs of olive branches and olives]", (portions of La Rosa brand, gallon and quart sizes) "Superfine Quality * * * Pure Olive Oil Imported from Italy; Qualita Sopraffino * * * Puro Olio d'Oliva Importato Dall'Italia, [design of olive branch]"; (half-gallon size) "Superfine Quality * * * Pure Olive Oil Imported", "Qualita Sopraffino * * * Puro Olio d'Oliva Importato [design of olive branch]"; (all sizes) "This olive oil is guaranteed to be absolutely pure and is highly recommended * * * Questo Olio d'oliva e garantito assolutamente puro ed e raccomandato per uso tavola e medicinale [design of olive branch]", (gallon size) "Packed Exclusively for Triestino Importing Co.", "Impaccato esclusivamente per Triestino Importing Co.", (half-gallon and quart sizes) "Imported Exclusively for Triestino Importing Co.", (top of cans) "Imported Olive Oil." Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On November 27, 1936, the Arte Products, Inc., having appeared as claimant and having consented to the entry of a decree, and the cases having been consolidated, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be transferred to drums and labeled "Tea Seed Oil flavored with Olive Oil."

W. R. Gregg, *Acting Secretary of Agriculture.*

26841. Adulteration and misbranding of olive oil. U. S. v. 52 Cans of Olive Oil. Default decree of condemnation and destruction. (F. & D. no. 37595. Sample no. 68825–B.)

This case involved olive oil which was adulterated with tea-seed oil.

On April 15, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 gallon cans of olive oil at New Orleans, La., alleging that it had been shipped in interstate commerce on or about March 4, 1936, by the Italian Importing Corporation, New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "L'Italia Redenta Brand Pure Olive Oil."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength and had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements and designs borne on the label were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: "L'Italia * * * Pure Olive Oil", designs of olive leaves and olives, and of the map of Italy "Our olive oil is guaranteed by us to be absolutely pure under any chemical analysis", "Il nostro olio di ulivo é da noi garentito sotto qualsiasi analisi chimica assolutamente puro"; and design of Italian coat of arms and the use of Italian national colors, red, white, and green. The article was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, namely, olive oil.

On January 6, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26842. Adulteration of cream. U. S. v. Two 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 37848. Sample no. 36221–B.)

This case involved cream that was putrid, maggoty, and moldy.

On or about June 21, 1936, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agricul-

ture, filed in the district court a libel praying seizure and condemnation of two 10-gallon cans of cream at Parkersburg, W. Va., alleging that on or about June 20, 1936, the article had been delivered for shipment in interstate commerce at Harrisville, W. Va., by the K. & T. Stores, Inc., a substation for the Sumner Co. cream station, of Parkersburg, W. Va., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: (Tag) "To The Sumner Co., Akron, Ohio."

The article was alleged to be adulterated in that it consisted in whole or in part of a putrid, maggoty, and moldy animal substance.

On June 22, 1936, the K. & T. Stores, Inc., having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26843. Adulteration of frozen raspberries. U. S. v. R. D. Bodle Co. Plea of guilty. Fine, $50 and costs. (F. & D. no. 37936. Sample nos. 43122–B, 55606–B.)

This case involved frozen raspberries samples of which were found to contain worms and insects.

On February 2, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the R. D. Bodle Co., a corporation of Seattle, Wash., alleging shipment by said company on or about August 8, 1935, from the State of Washington into the State of Illinois of a quantity of frozen raspberries that were adulterated. The information further alleged that the defendant company had sold and delivered the article on or about August 15, 1935, to the Nakat Packing Corporation of Seattle, Wash., under a guaranty that it complied with the Federal Food and Drugs Act; that the article had been shipped in interstate commerce on or about December 13, 1935, from the State of Washington into the State of New York by the Nakat Packing Corporation; that it was adulterated in violation of said act and that by reason of the guaranty the defendant company was amenable for prosecution for said shipment. The article was labeled in part: "R. D. Bodle Co. * * * Cuthbert Raspberries * * * Seattle, Wn."

It was alleged to be adulterated in that it consisted in part of a filthy vegetable substance.

On February 18, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

26844. Adulteration and misbranding of butter. U. S. v. Rowan Creamery, Inc. Plea of guilty. Fine, $50. (F. & D. no. 37950. Sample no. 48868–B.)

This product was deficient in milk fat and the label failed to bear a correct statement of the quantity of the contents.

On September 14, 1936, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Rowan Creamery, Inc., Salisbury, N. C., alleging that on or about February 22, 1936, said defendant had shipped from the State of North Carolina into the State of South Carolina a quantity of butter that was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Guernsey Gold Creamery Butter One Pound Net When Packed Rowan Creamery, Inc., Salisbury, N. C."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

It was alleged to be misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was not correct.

On October 19, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50.

W. R. GREGG, *Acting Secretary of Agriculture.*

26845. Adulteration of olive oil. U. S. v. International Importing Co., Inc. Plea of guilty. Fine, $100 and costs. (F. & D. no. 37962. Sample no. 65752–B.)

This product was adulterated with tea-seed oil.

On August 25, 1936, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the International Importing Co., Inc., Providence, R. I., alleging shipment by said company in violation of the Food and Drugs Act on or about January 27, 1936, from the State of Rhode Island into the State of Connecticut of a quantity of alleged olive oil that was adulterated and misbranded. The article was labeled in part: "The Venetian Queen Brand Virgin Olive Oil Imported * * * By International Imp. Co."

It was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce and lower its quality and strength and had been substituted in part for olive oil, which it purported to be.

The article was alleged to be misbranded in that the statements, "Venetian Queen Brand Guaranteed Pure Virgin Olive Oil Genoa Italy", "Marca La Venetian Queen Vergine Olio D'Oliva Importato Garantito Purissimo", Venetian Queen Brand Garantito Purissimo Vergine Olio D'Oliva Genova Italia", "The Venetian Queen Brand Virgin Olive Oil Imported is Guaranteed Strictly Pure Under Chemical Analysis", and "Imported from Italy", together with the design of a foreign scene with a female figure holding a flag of Italy, borne on the can label, were false and misleading, and in that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since said statements and design represented that it consisted wholly of olive oil imported from Italy; whereas it did not consist wholly of olive oil imported from Italy, but did consist in part of tea-seed oil not imported from Italy. The article was alleged to be misbranded further in that it was a mixture containing tea-seed oil prepared in imitation of olive oil and was offered for sale and sold under the distinctive name of another article, namely, olive oil.

On January 5, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $100 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

26846. Adulteration and misbranding of canned tuna fish. U. S. v. Sun Harbor Packing Corporation. Plea of guilty. Fine, $600. (F. & D. no. 38023. Sample nos. 34768–B, 34784–B, 34792–B, 34794–B, 34795–B, 55523–B, 55524–B, 55859–B, 60069–B, 62725–C.)

Certain lots of this product were short in weight, some were in part decomposed, and others were both short in weight and in part decomposed.

On December 1, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sun Harbor Packing Corporation, San Diego, Calif., alleging shipment by said defendant on or about December 14, 1935, January 7, January 9, February 9, and February 20, 1936, in the name of Cohn-Hopkins, Inc., the name under which the defendant was doing business at that time, from the State of California into the States of Michigan, Maryland, Arizona, and Massachusetts of quantities of canned tuna, of which certain shipments were adulterated, some were misbranded, and others were adulterated and misbranded. The article was labeled in part variously: (Cans) "Premier * * * light meat tuna fish * * * Francis H. Leggett & Co., distributors New York * * * contents 7 oz. avoir. Metric Equiv. 198 grams [or "contents 3½ ozs. avoir. metric equivalent 99 grams"]. Sun Harbor Brand, California, tuna, net contents 7 ozs. [or "net contents 3½ ozs."] * * * packed by Cohn-Hopkins, Inc., quality packers, San Diego, Calif. Super Contents 7 oz. avoir. tuna fish, distributors M. J. Caplan Co., Inc., Lawrence, Mass. C-H brand light meat tuna * * * net contents 7 oz. * * * packed by Cohn-Hopkins, Inc., San Diego, Calif."

The information alleged that the C-H brand, a portion of the Premier brand, and a portion of the Sun Harbor brand were adulterated in that the article consisted in whole or in part of a decomposed animal substance.

The information charged misbranding of certain lots in that the statements on the labels, "Contents 7 ozs. avoir. Metric equivalent 198 grams", "contents 3½ ozs. avoir. Metric equivalent, 99 grams", with respect to the Premier brand; "contents 7 oz. avoir.", with respect to the Super brand; "net contents 7 oz.", with respect to the C-H brand and a portion of the Sun Harbor brand, were false and misleading and were applied to the article so as to deceive and mislead the purchaser, since the cans in the said lots contained less than declared. Misbranding was charged further with respect to the product in

those lots found to be short in weight in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 11, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $600.

W. R. GREGG, *Acting Secretary of Agriculture.*

26847. Misbranding of cider vinegar. U. S. v. William A. Depner (Washington Food Products). Plea of nolo contendere. Fine, $5. (F. & D. no. 38042. Sample nos. 73271–B, 73275–B, 73281–B, 73291–B, 73297–B.)

This vinegar was short in volume.

On December 30, 1936, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William A. Depner, trading as Washington Food Products, Spokane, Wash., alleging shipment by said defendant in violation of the Food and Drugs Act as amended on or about September 23 and September 24, 1935, and March 11, 1936, from the State of Washington into the State of Montana of quantities of cider vinegar that was misbranded. The bottles were labeled in part: "Empire Brand Cider Vinegar Net–1 Quart [or "Net–1 Pint"] Washington Food Products Spokane, Wash." Certain of the bottles were contained in cases marked "12 Quarts Vinegar" or "24 Pints Vinegar."

The article was alleged to be misbranded in that the statements "Net–1 Quart" and "Net–1 Pint", borne on the bottle labels, and the statements "24 Pints Vinegar" and "12 Quarts Vinegar" borne on certain of the cases, were false and misleading and in that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the bottles and cases contained less than the amount declared.

On January 5, 1937, the defendant entered a plea of nolo contendere and the court imposed a fine of $5.

W. R. GREGG, *Acting Secretary of Agriculture.*

26848. Adulteration of canned salmon. U. S. v. Alaska Year Round Canneries Co. Plea of guilty. Fine, $150 and costs. (F. & D. no. 38056. Sample no. 56346–B.)

This case involved canned salmon that was in part decomposed.

On December 18, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Alaska Year Round Canneries Co., a corporation, Seattle, Wash., alleging shipment by said company through its broker and agent, on or about August 29, 1935, from the State of Washington into the State of Pennsylvania for transshipment to Akron, Ohio, of a quantity of canned salmon that was adulterated. The article was labeled in part: "Farbest Cohoe Select Salmon Packed * * * For Farwest Fisheries Inc. Seattle."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On January 7, 1937 a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $150 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

26849. Adulteration of canned salmon. U. S. v. Point Roberts Packers, Inc. Plea of guilty. Fine, $11 and costs. (F. & D. no. 38062. Sample nos. 50900–B, 55852–B.)

This case involved canned salmon that was in part decomposed.

On December 18, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Point Roberts Packers, Inc., Point Roberts, Wash., alleging shipment by said defendant through its broker and agent on or about October 25, 1935, and December 21, 1935, from the State of Washington into the States of Wisconsin and New York, respectively, of quantities of canned salmon that was adulterated. A portion of the article was labeled: "Pink Rose Brand Fancy Salmon Distributed by F. A. Gosse Company Seattle, Wash." The remainder was labeled: "King's Taste Pink Salmon * * * Vacuum Packed For Lighthouse Packing Co., Point Roberts, Washington."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On January 7, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $11 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

26850. Adulteration of huckleberries. Default decree of condemnation and destruction. (F. & D. no. 38093. Sample no. 9451–C.)

This case involved huckleberries that were infested with maggots.

On July 20, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven crates of huckleberries at New York, N. Y., alleging that they had been shipped in interstate commerce on or about July 19, 1936, by T. W. Cummings from St. Clair, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 24, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26851. Adulteration of apples. U. S. v. 14 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38249. Sample no. 14741–C.)

These apples were contaminated with arsenic and lead.

On August 18, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 bushels of apples at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about August 12, 1936, by Nemitz Bros., from Bridgman, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "J. L. Willmeng R–2 Watervliet, Mich. Duchess."

It was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 2, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26852. Adulteration of canned shrimp. U. S. v. 14 Cases and 4 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 38278. Sample nos. 13627–C, 13628–C.)

This article was in part decomposed.

On or about October 7, 1936, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cases of canned shrimp at Centerville, Miss., alleging that the article had been shipped in interstate commerce on or about September 1, 1936, by the Fraering Brokerage Co., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Mo-Bil-Bay Brand Fancy Selected Shrimp * * * Distributed by Dubon Company, Inc., New Orleans, La."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On November 26, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26853. Adulteration of canned salmon. U. S. v. Walter Waters and Archie F. McMillan (Lighthouse Packing Co.). Pleas of guilty. Fines, $24 and costs. (F. & D. no. 38004. Sample nos. 34772–B, 61740–B, 62284–B.)

This case involved canned salmon that was in part decomposed.

On December 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Walter Waters and Archie F. McMillan, copartners, trading as the Lighthouse Packing Co., Point Roberts, Wash., alleg-

ing shipment by said defendants through and in the name of their broker and agent, on or about November 16 and December 12, 1935, from the State of Washington into the States of Texas, Pennsylvania, and California of quantities of canned salmon that was adulterated in violation of the Food and Drugs Act. It was labeled in part: (Can) "Pink Referee Salmon * * * Distributed by Dehn & Co. Inc. Seattle, Wash."

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On December 29, 1936, the defendants entered pleas of guilty and the court imposed fines in the total amount of $24 together with costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

26854. Adulteration and misbranding of butter. U. S. v. 26 Cases of Butter. Default decree of condemnation and destruction. (F. & D. no. 38304. Sample no. 6855–C.)

This product contained less than 80 percent by weight of milk fat.

On August 31, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cases of butter at New Orleans, La., alleging that it had been shipped in interstate commerce on or about August 17, 1936, by Swift & Co., from Paris, Tex., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "American Beauty Creamery Butter L. Frank & Co., Inc., New Orleans, La."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

The article was alleged to be misbranded in that the statement "butter", borne on the label, was false and misleading since it contained less than 80 percent of milk fat.

On January 15, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26855. Adulteration of canned shrimp. U. S. v. 60 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 38342. Sample no. 13539–C.)

This product was in part decomposed.

On September 25, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 cases of canned shrimp at Dallas, Tex., alleging that it had been shipped in interstate commerce on or about September 14, 1936, by the Foreign Products Corporation from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Doll Baby Brand Dry Packed Shrimp * * * L. C. Mays Co., Inc., Distributors, New Orleans, Louisiana."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On January 12, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26856. Adulteration of apple butter. U. S. v. 85 Cartons of Apple Butter. Default decree of condemnation and destruction. (F. & D. no. 38346. Sample no. 21831–C.)

This product was insect-infested and decomposed.

On September 25, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 85 cartons of apple butter at Portland, Oreg., alleging that it had been shipped in interstate commerce on or about May 16, 1936, by the California Preserving Co., from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Catalina Brand Pure Apple Butter * * * California Preserving Company, Los Angeles, Calif."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On December 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26857. Adulteration of dried chili peppers. U. S. v. 35 Bags of Chili Peppers. Default decree of condemnation and destruction. (F. & D. no. 38397. Sample no. 2126–C.)

This product contained excessive arsenic.

On October 7, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 bags of chili peppers at Dallas, Tex., alleging that the article had been shipped in interstate commerce by S. Murata from Garden Grove, Calif. to Houston, Tex., that it had been reshipped to Dallas, Tex., and that the shipment had been made or completed on or about November 29, 1935; and that the article was adulterated in violation of the Food and Drugs Act. The bags were labeled in part: (Stamped) "From S. Murata Garden Grove, Calif."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

On January 12, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26858. Adulteration of apples. U. S. v. 935 Lugs of Apples. Decree of condemnation. Product released under bond for removal of deleterious substance. (F. & D. no. 38438. Sample no. 5357–C.)

This case involved apples which were contaminated with fluorine.

On October 19, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 935 lugs of apples at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about October 1, 1936, by the Fruit Production Co., from Cashmere, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Jonathan * * * Packed by Fruit Production Co. Cashmere, Wash." The apples were alleged to be adulterated in that they contained an added poisonous or deleterious ingredient, fluorine, which might have rendered them injurious to health.

On December 11, 1936, the O'Connell Brokerage Co., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and it was ordered that the apples be released under bond conditioned that they be peeled before being used.

W. R. Gregg, *Acting Secretary of Agriculture.*

26859. Adulteration of canned salmon. U. S. v. 117, 110, and 244 Cases of Canned Salmon. Decrees of condemnation. Product released under bond. (F. & D. nos. 38441, 39133, 39134. Sample nos. 10634–C, 10665–C, 10670–C, 10671–C, 10675–C, 10678–C, 10686–C, 10687–C, 10689–C, 10690–C, 10692–C, 10693–C.)

These cases involved canned salmon that was in part decomposed.

On October 20, 1936, and February 24, 1937, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 471 cases of canned salmon at Alameda, Calif., alleging that the article had been shipped in interstate commerce by the Alaska Packers Association in part on or about September 25, 1936, from Bristol Bay, Alaska, and in part on or about October 1, 1936, from Chignik, Alaska, and charging adulteration in violation of the Food and Drugs Act. Portions of the article were labeled: "Lily Brand Pink Salmon [or "Hunters Brand Alaska Pink Salmon"] * * * Alaska Packers Assn. San Francisco, Calif."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On January 30 and March 30, 1937, the Alaska Packers Association having appeared as claimant, judgments of condemnation were entered and it was

ordered that the product be released under bond, conditioned that it should not be sold or otherwise disposed of in violation of the law.

W. R. Gregg, *Acting Secretary of Agriculture.*

26860. Adulteration of canned salmon. U. S. v. 800 Cases of Canned Salmon (and other libel proceedings). Consent decrees of condemnation. Product released under bond. (F. & D. nos. 38479, 38559, 38727, 38934. Sample nos. 23683–C, 29228–C, 29612–C, 29621–C, 29636–C, 32402–C, 32421–C.)

These cases involved canned salmon that was in part decomposed.

On October 31, November 17, December 1, 1936, and January 11, 1937, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,729 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce between the dates of August 23 and September 28, 1936; that portions of the article had been shipped by the North Pacific Sea Foods Co. from Dayville, Alaska; that the remainder had been packed by the North Pacific Sea Foods Co., and had been shipped by A. S. Day from Dayville, Alaska; and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On January 12 and January 18, 1937, the North Pacific Sea Foods Co. having appeared as claimant, and the court having found that a portion of the article was adulterated, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act and all other laws.

W. R. Gregg, *Acting Secretary of Agriculture.*

26861. Adulteration and misbranding of canned tomatoes. U. S. v. 300 Cases of Canned Tomatoes. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 38520. Sample no. 16518–C.)

This product was adulterated with added water. It also was misbranded since it did not consist of whole pieces, was not normally colored, and was not labeled to indicate that it was substandard.

On November 6, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of canned tomatoes at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 23, 1936, by Lord-Mott Co., from Bowler's Wharf, Va., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that water had been mixed and packed therewith so as to reduce or lower its quality or strength and had been substituted in part for tomatoes, which it purported to be.

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it contained added water, it did not consist of whole pieces, it was not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On January 7, 1937, judgment of condemnation was entered and it was ordered that the product be released to the claimant under bond conditioned that it be relabeled under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

26862. Adulteration of apples. U. S. v. 26 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38539. Sample no. 15035–C.)

This case involved apples that were contaminated with arsenic and lead.

On or about October 1, 1936, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 bushels of apples at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about September 27, 1936, by Abe Epstein from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

The apples were alleged to be adulterated in that they contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered their use harmful to health.

On December 7, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26863. Adulteration of apples. U. S. v. 118 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38543. Sample no. 25919–C.)

This case involved apples which were contaminated with arsenic and lead.

On or about November 4, 1936, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 118 bushels of apples at Decatur, Ill., alleging that the article had been transported in interstate commerce on October 27, 1936, by Elmer Scroggin from Fennville, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On January 6, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26864. Adulteration of apples. U. S. v. 100 Bushels of Apples. Consent decree of condemnation. Product released under bond. (F. & D. no. 38544. Sample no. 25942–C.)

This case involved apples that were contaminated with arsenic and lead.

On or about November 4, 1936, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 bushels of apples at Springfield, Ill., alleging that they had been transported in interstate commerce by E. Humphrey, Jr., from South Haven, Mich., on or about October 29, 1936, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 3, 1936, Ernest Humphrey, Springfield, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond on condition that the deleterious substances be removed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26865. Adulteration of canned blueberries. U. S. v. 111 Cases of Canned Blueberries. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 38568. Sample nos. 17519–C, 17272–C.)

This case involved canned blueberries a part of which contained maggots.

On November 19, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 111 cases of canned blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 29, 1936, by the Millbridge Packing Co., from Bangor, Maine, and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Union River Brand Blueberries Packed by Millbridge Packing Co. Millbridge, Maine."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 15, 1936, Seeman Bros., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the unfit portion be separated therefrom and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26866. Adulteration of canned salmon. U. S. v. 198 Cartons of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 38569. Sample nos. 29617–C, 29619–C.)

This case involved canned salmon which was in part decomposed.

On November 19, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 198 cartons of canned salmon at Seattle, Wash., alleging that it had been shipped in interstate commerce on or about September 30, 1936, by the Surf Canneries, Inc., from Kodiak, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On November 27, 1936, the Surf Canneries, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the law.

W. R. Gregg, *Acting Secretary of Agriculture.*

26867. Adulteration of apples. U. S. v. 100 Crates of Apples. Default decree of condemnation and destruction. (F. & D. no. 38575. Sample no. 25808–C.)

These apples were contaminated with arsenic and lead.

On November 7, 1936, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 crates of apples at Decatur, Ill., alleging that they had been transported in interstate commerce by I. A. Hendricks from Sodus, Mich., on November 5, 1936, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On January 15, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26868. Adulteration of apples. U. S. v. 22 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38576. Sample no. 25928–C.)

These apples were contaminated with arsenic and lead.

On or about November 4, 1936, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 bushels of apples at Terre Haute, Ind., alleging that they had been shipped in interstate commerce on or about October 28, 1936, by the Wabash Commission Co., from Coloma, Mich., and charging adulteration in violation of the Food and Drugs Act.

The apples were alleged to be adulterated in that they contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered their use harmful to health.

On January 30, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26869. Adulteration of canned salmon. U. S. v. Alaska Pacific Salmon Co. Plea of guilty. Fine, $200 and costs. (F. & D. no. 38612. Sample nos. 73486–B, 73509–B.)

This salmon was in part decomposed.

On February 2, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Alaska Pacific Salmon Co., a corporation having a place of business at Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 8, 1935, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon that was adulterated.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On February 25, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $200 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

26870. Adulteration of egg meats and sugared egg yolks. U. S. v. 10, 19, and 340 Cans of Egg Products. Default decrees of condemnation and destruction. (F. & D. nos. 38696, 38697, 38702. Sample nos. 3214–C, 3215–C, 3216–C.)

These cases involved egg products that were decomposed.

On November 23, 1936, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 350 cans of egg meats and 19 cans of sugared egg yolks at Los Angeles, Calif., alleging that the articles had been shipped in interstate commerce on or about April 25 and October 22, 1936, by the Utah Poultry Producers Cooperative Association, from Salt Lake City, Utah, and charging adulteration in violation of the Food and Drugs Act. The product designated as egg meats was labeled: "Milk White Products Egg Meats Packed and Distributed by Utah Poultry Producers Co-Operative Ass'n. Salt Lake City, Utah."

The articles were alleged to be adulterated in that they consisted wholly or in part of decomposed animal substances.

On December 22, 1936, and January 12, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26871. Adulteration and misbranding of tomato puree. U. S. v. 72 Cases of Tomato Puree. Default decree of condemnation. Product delivered to a charitable organization. (F. & D. no. 38708. Sample no. 4677–C.)

This product was deficient in tomato solids.

On or about December 1, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 cases of canned tomato puree at Oklahoma City, Okla., alleging that it had been shipped in interstate commerce on or about July 9, 1936, by the Riona Products Co., from McAllen, Tex., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Valley Rose Brand Tomato Puree * * * Packed by Riona Products Co. Inc. McAllen, Texas."

The article was alleged to be adulterated in that a product deficient in tomato solids had been substituted for tomato puree, which it purported to be.

It was alleged to be misbranded in that the statement on the label, "Tomato Puree", was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was deficient in tomato solids.

On December 16, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable organization.

W. R. Gregg, *Acting Secretary of Agriculture.*

26872. Adulteration of tomato catsup. U. S. v. 49 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 38718. Sample no. 10465–C.)

This product contained filth resulting from worm and insect infestation.

On November 28, 1936, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases of tomato catsup at Phoenix, Ariz., alleging that it had been shipped in interstate commerce on or about November 18, 1936, by Smart & Final Co., Ltd., from Wilmington, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Table Queen brand * * * Packed For Smart & Final Co. Ltd."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On January 18, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26873. Adulteration and misbranding of tomato puree. U. S. v. 344 Cases of Tomato Puree. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 38721. Sample no. 6779–C.)

This product was deficient in tomato solids.

On November 27, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 344 cases of alleged tomato puree at Baton Rouge, La., alleging that the article had been shipped in interstate commerce on or about June 25, 1936, by A. Glorioso (Mississippi Canning Co.), from Crystal Springs, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act. It was labeled in part: "Eagle Brand Tomato Puree * * * Packed by A. Glorioso New Orleans, La. U. S. A."

The article was alleged to be adulterated in that a substance deficient in tomato solids had been substituted for tomato puree, which the article purported to be.

It was alleged to be misbranded in that the statement "Tomato Puree", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was deficient in tomato solids.

On December 11, 1936, A. Glorioso, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

26874. Adulteration of tomato puree. U. S. v. 435 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 38726. Sample no. 21479–C.)

This article contained filth resulting from worm infestation.

On November 30, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 435 cases of tomato puree at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 13, 1936, by the Columbia Conserve Co., Indianapolis, Ind., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Hi-Pointe Tomato Puree Packed for G. H. Wettereau and Sons Grocer Co., St. Louis, Mexico, Desloge, Mo."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26875. Misbranding of malted milk mixture. U. S. v. 283 Dozen Cans of Rawleigh's Chocolate Flavored Malted Milk Mixture. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 38733. Sample no. 19535–C.)

This product was labeled to convey the impression that it contained sufficient malted milk to make a malted milk drink but, in fact it contained but a small amount (approximately 8 percent) of malted milk.

On December 2, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 283 dozen cans of Rawleigh's Chocolate Flavored Malted Milk Mixture at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about September 16 and October 16, 1936, by the W. T. Rawleigh Co. from Freeport, Ill., and charging misbranding in violation of the Food and Drugs Act. It was labeled in part: "Rawleigh's Chocolate Flavored Malted Milk Mixture Sweetened * * * Manufactured by The W. T. Rawleigh Company, Freeport, Illinois, U. S. A."

The article was alleged to be misbranded in that the statement "Malted Milk Mixture", prominently set out on the label and not corrected by the inconspicuous statement on the label indicating other ingredients, was false and misleading and tended to deceive and mislead the purchaser into the belief that it was a malted milk mixture which would make a malted milk drink, when in fact it contained only 8 percent of malted milk and would not make a malted milk drink.

On January 12, 1937, the W. T. Rawleigh Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

26876. Adulteration of tomato puree. U. S. v. 84 Cases of Tomato Puree. Decree of destruction. (F. & D. no. 38734. Sample no. 4696–C.)

This product contained excessive mold, also filth resulting from worm infestation.

On December 1, 1936, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 84 cases of canned tomato puree at Tulsa, Okla., alleging that the article had been shipped in interstate commerce on or about October 20, 1936, by Hirsch Bros. & Co., from Louisville, Ky., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Ever-ready Brand Tomato Puree Hirsch Bros. & Co. Incorporated Louisville, Ky. and Pittsburgh, Pa."

The article was alleged to be adulterated in that it contained worm debris and mold.

On January 18, 1937, the case having come on for hearing, judgment was entered finding the product adulterated and ordering that it be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26877. Misbranding of canned peas. U. S. v. 387 Cartons of Canned Peas. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 38735. Sample no. 11686–C.)

This product was substandard and was not so labeled.

On December 1, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 387 cartons of canned peas at Springfield, Mass., alleging that they had been shipped in interstate commerce on or about October 5, 1936, by the Lineboro Canning Co., Inc., from Lineboro, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Elmdale Brand Early June Peas * * * Distributed by National Retailer-Owned Grocers Inc. General Offices Chicago, Ill."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On December 28, 1936, the Lineboro Canning Co. Inc., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled to show its true nature.

W. R. Gregg, *Acting Secretary of Agriculture.*

26878. Adulteration of apples. U. S. v. 500 Bushels of Apples. Consent decree of condemnation. Product released under bond conditioned that deleterious substances be removed. (F. & D. no. 38738. Sample no. 4584–C.)

These apples were contaminated with arsenic and lead.

On November 21, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 500 bushels of apples at St. Joseph, Mo., alleging that they had been shipped in interstate commerce on or about October 6, 7, 8, and 14, 1936, by the Troy Apple Growers Association from Troy, Kans., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On December 2, 1936, the Troy Apple Growers Association, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the deleterious substances be removed by washing.

W. R. Gregg, *Acting Secretary of Agriculture.*

26879. Adulteration of apples. U. S. v. 180 Bushels of Apples. Consent decree of condemnation. Product released under bond upon condition that deleterious substances be removed. (F. & D. no. 38739. Sample no. 4591–C.)

These apples were contaminated with arsenic and lead.

On November 21, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 180 bushels of apples at St. Joseph, Mo., alleging that they had been shipped in interstate commerce on or about October 14, 1936, from Troy, Kans., that it had been trucked by Triplett & Brown, of Troy, Kans., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 2, 1936, Hunt Bros. Fruit Co., St. Joseph, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the deleterious substances be removed by washing.

W. R. Gregg, *Acting Secretary of Agriculture.*

26880. Adulteration of apples. U. S. v. 66 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38743. Sample no. 26024–C.)

This product was contaminated with arsenic and lead.

On November 17, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 bushels of apples at Springfield, Mo., alleging that they had been shipped in interstate commerce on or about November 12, 1936, by Ed Greener from Coloma, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On January 5, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26881. Adulteration of cabbage. U. S. v. 285 Baskets of Cabbage. Default decree of condemnation and destruction. (F. & D. no. 38744. Sample no. 23206–C.)

This product was contaminated with arsenic.

On November 18, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 285 baskets of cabbage at Baltimore, Md., alleging that it had been shipped in interstate commerce on or about November 13, 1936, by the Charleston Produce Distributors, from Yonges Island, S. C., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Towles Fancy Vegetables Grown & Packed by F. W. Towles Co. Inc., Martins Point, S. C."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, arsenic.

On December 30, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26882. Adulteration of tomato pulp. U. S. v. 288 Cans of Tomato Pulp. Default decree of condemnation and destruction. (F. & D. no. 38745. Sample no. 21485–C.)

This product contained filth resulting from worm infestation.

On December 3, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 288 cans of tomato pulp at St. Louis, Mo., alleging that it had been shipped in interstate commerce on or about September 29, 1936, by the Frazier Packing Corporation, from Elwood, Ind., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On January 28, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26883. Adulteration of canned salmon. U. S. v. 184 Cases of Canned Salmon. Decree of condemnation. Product released under bond. (F. & D. no. 38748. Sample no. 31220–C.)

This salmon was in part decomposed.

On December 4, 1936, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 184 cases of canned salmon at Provo, Utah, alleging that the article had been packed by the Douglas Fisheries Co., Douglas, Alaska; that it had been shipped in interstate commerce on or about September 2, 1936, by the Rogers Co. from Seattle, Wash., for the Oceanic Sales Co., and that it was adulterated in violation of the Food and Drugs Act. It was labeled in part: "Silver Rapids Brand Pink Salmon Distributed by Red & White Corporation, Chicago, Illinois."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On January 9, 1937, the Douglas Fisheries Co., Douglas, Alaska, having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

W. R. Gregg, *Acting Secretary of Agriculture.*

26884. Adulteration of tomato paste. U. S. v. 25 Cases of Tomato Paste (and six other proceedings). Default decrees of condemnation and destruction. (F. & D. nos. 38749, 38791, 38797, 38814, 38815, 38861, 38867. Sample nos. 17553–C, 17747–C, 17748–C, 17750–C, 17757–C, 17905–C, 26453–C.)

This product contained excessive mold.

On December 5, 11, 12, 14, 19, and 22, 1936, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 263 cases of tomato paste in various lots at Jersey City, Paterson, and Newark, N. J., respectively, alleging that the article had been shipped in interstate commerce between the dates of September 14, 1936, and November 23, 1936, by the Marlboro Canning Corporation from Marlboro, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Lola Brand Tomato Paste Color Added * * * Packed in U. S. A. by The Marlboro Canning Corp. Marlboro, N. Y."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On January 21, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26885. Adulteration of tomato puree. U. S. v. 99 Cases and 198 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. & D. nos. 38725, 38758. Sample nos. 21489–C, 21495–C.)

This product contained filth resulting from worm infestation, and a part of it also contained excessive mold.

On November 30 and December 4, 1936, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 297 cases of tomato puree at St. Louis, Mo., alleging that it had been shipped in interstate commerce on or about October 5 and October 8, 1936, by the Everitt Packing Co., from Underwood, Ind., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Ever-It Brand * * * Tomato Puree Packed by Everitt Packing Co. Underwood, Ind." The remainder was labeled: "DeLuxe Brand Tomato Puree Packed Especially for Lowell-Krekeler Grocer Co. St. Louis, Mo."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 23, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26886. Adulteration of canned tomato paste. U. S. v. 108 Cases of Canned Tomato Paste. Judgment of condemnation. Product released under bond for segregation and destruction of unfit portions. (F. & D. no. 38768. Sample no. 27865–C.)

This product was undergoing active bacterial spoilage and was in part decomposed.

On December 5, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 108 cases of canned tomato paste at Philadelphia, Pa., alleging that it had been shipped in interstate commerce on or about September 14, 1936, by the Flotill Products, Inc., from Stockton, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On January 25, 1937, the Philadelphia Macaroni Co., Inc., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be separated therefrom and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26887. Adulteration of tomato pulp. U. S. v. 337 Cans and 338 Cans of Tomato Pulp. Default decrees of condemnation and destruction. (F. & D. nos. 38769, 38801. Sample nos. 21486–C, 21497–C.)

Samples of this product were found to contain mold, also filth resulting from worm infestation.

On December 5 and 11, 1936, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 675 cans of tomato pulp at St. Louis, Mo., alleging that it had been shipped in interstate commerce on or about September 21 and November 9, 1936, by the Vallonia Canning Co., from Vallonia, Ind., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 29, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26888. Adulteration of walnut meats. U. S. v. 39 Cartons of Walnut Meats. Default decree of destruction. (F. & D. no. 38792. Sample no. 31212–C.)

This product was in part moldy and insect-eaten.

On December 10, 1936, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 cartons of walnut meats at Salt Lake City, Utah, alleging that they had been shipped in interstate commerce on or about November 13, 1936, by the Davis Nut Shelling Co., from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On January 30, 1937, no claimant having appeared, judgment was entered ordering that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26889. Misbranding of apples. U. S. v. 645, 616, 645, and 547 Baskets of Apples. Consent decree entered. Product released to be relabeled. (F. & D. nos. 38794, 38795, 38796. Sample nos. 7595–C to 7598–C, incl.)

These apples were below the grade indicated on the label.

On or about December 15, 1936, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,453 baskets of apples at Martinsville, Va., alleging that they had been shipped in interstate commerce in part on or about October 24, 1936, by Wray, Goodwin & Kayt, from Bendersville, Pa., and in part on or about November 5, 1936, by the Cooperative Fruit Growers, from Bendersville, Pa. and Seven Stars, Pa., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part "U. S. Utility."

It was alleged to be misbranded in that the statement on the label, "U. S. Utility", was false and misleading and deceived and misled the purchaser since the apples were below U. S. Utility grade because of grade defects, chiefly worm injury, cracks, and skin breaks.

On December 22, 1936, Wray, Goodwin & Kayt, claimants, having admitted the allegations of the libel, and having consented that judgment of condemnation and forfeiture be entered, a decree was entered finding the product misbranded and ordering that it be released on condition that it be relabeled under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

26890. Adulteration of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 38805. Sample no. 9503–C.)

This product contained less than 80 percent of milk fat.

On November 9, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel, and on November 14, 1936, an amended libel, praying seizure and condemnation of four tubs of butter at North Hawthorne, N. J., alleging that it had been shipped in interstate commerce on or about October 26, 1936, from the Boyceville Cooperative Creamery, of Boyceville, Wis., by the Farmers Cooperative Creamery, of Glenwood City., Wis., in a pool car shipment, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as provided by the act of Congress of March 4, 1923.

On December 21, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26891. Adulteration of apples. U. S. v. 30 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38811. Sample no. 25934–C.)

These apples were contaminated with arsenic and lead.

On or about November 19, 1936, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 bushels of apples at Hammond, Ind., alleging that they had been shipped in interstate commerce on or about October 28, 1936, by Louis Weiss, from Coloma, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Kings Reuben Wendzel Coloma, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 30, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg. *Acting Secretary of Agriculture.*

26892. Adulteration of apples. U. S. v. 756 Boxes of Apples (and two other libel proceedings). Consent decrees of condemnation. Product released under bond. (F. & D. nos. 38810, 38812, 39067. Sample nos. 25689–C, 25696–C, 26108–C.)

This product was contaminated with arsenic and lead.

On or about November 16 and November 18, 1936, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,268 boxes of apples at Chicago, Ill., alleging that they had been shipped in interstate commerce from Hood River, Oreg., in part on or about October 22, October 29, and November 2, 1936, by the Apple Growers Association, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue Diamond Brand * * * Packed & Shipped by Apple Growers Association Hood River, Oregon."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On November 16 and November 18, 1936, the Apple Growers Association, Hood River, Oreg., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond for salvaging.

W. R. GREGG, *Acting Secretary of Agriculture.*

26893. Misbranding of shelled pecans. U. S. v. 195½ Cases of Shelled Pecans. Decree of condemnation. Product released under bond for relabeling. (F. & D. no. 38813. Sample no. 12259–C.)

The containers of this product had a false bottom and bore an erroneous declaration of the quantity of the contents.

On December 14, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 195½ cases, each containing 12 cardboard baskets, of shelled pecans, at Somerville, Mass., alleging that they had been shipped in interstate commerce on or about November 18, 1936, by the Southland Pecan Co. Inc., from Columbus, Ga., and charging misbranding in violation of the Food and Drugs Act as amended. They were labeled in part: "Fresh Gold Medal Shelled Nuts Net Weight 7 [the figure 7 had been written over a printed figure 6] Oz. when packed Southland Pecan Co. Inc. Columbus, Ga."

The article was alleged to be misbranded in that the statement "Net Wt. 7 Oz." was false and misleading and tended to deceive and mislead the purchaser when applied to an article in packages containing less than 7 ounces. Misbranding was alleged for the further reason that the package was slack-filled and bore a device, namely, a cardboard false bottom, which was misleading since the package did not contain the quantity of food it purported to contain. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On January 4, 1937, the Southland Pecan Co. Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the old labels be destroyed and new labels affixed correctly describing the product.

W. R. GREGG, *Acting Secretary of Agriculture.*

26894. Adulteration and misbranding of butter. U. S. v. 26 Boxes of Butter. Decree of condemnation. Product released under bond to be reworked. (F. & D. no. 28829. Sample nos. 11684–C, 11687–C, 11689–C.)

This butter contained less than 80 percent by weight of milk fat.

On November 27, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 boxes of butter at Springfield, Mass., consigned about November 16, 1936, alleging that it had been shipped in interstate commerce by North American Creameries, Inc., from Oaks, N. Dak., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which it purported to be, the act of Congress of March 4, 1923, providing that butter shall contain not less than 80 percent by weight of milk fat.

It was alleged to be misbranded in that it was an imitation of and was offered for sale under the distinctive name of another article, namely, butter.

On December 22, 1936, North American Creameries, Inc., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contained at least 80 percent by weight of milk fat.

W. R. GREGG, *Acting Secretary of Agriculture.*

26895. Adulteration of frozen shrimp. U. S. v. 4 Boxes of Frozen Shrimp. Default decree of condemnation and destruction. (F. & D. no. 38831. Sample no. 17537–C.)

This product was in whole or in part decomposed.

On December 3, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four boxes of frozen shrimp at New York, N. Y., alleging that the article had been shipped

in interstate commerce by the Friendly Fish Market from Georgetown, S. C. shipping for L. B. Owens, of Georgetown, S. C.; that it had arrived at New York on or about August 21, 1936, and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On December 17, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26896. Adulteration of frozen shrimp. U. S. v. 452 Blocks and 212 Blocks of Frozen Shrimp. Default decrees of condemnation and destruction. (F. & D. nos. 38830, 38832. Sample nos. 17536–C, 17538–C.)

This shrimp was wholly or in part decomposed.

On December 3, 1936, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 664 blocks, each containing 10 pounds of frozen shrimp at New York, N. Y., alleging that it had been shipped in interstate commerce in part on or about July 15, September 26, and September 30, from J. R. Hardee, Fernandina, Fla., in part on or about September 28 and September 29, 1936, from A. A. Fagan, Thunderbolt, Ga., and in part on or about September 28, 1936, from the Colonial Shrimp Co., Southport, N. C., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of decomposed animal substances.

On December 17, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26897. Adulteration of apples. U. S. v. 14 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38835. Sample no. 25945–C.)

These apples were contaminated with arsenic and lead.

On or about October 31, 1936, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 bushels of apples at Evansville, Ind., alleging that they had been shipped in interstate commerce on or about October 29, 1936, by Paul Ramey from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sam Arent, Coloma, Mich."

It was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On January 20, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26898. Adulteration of apples. U. S. v. 127 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38836. Sample no. 26040–C.)

This product was contaminated with arsenic and lead.

On or about December 1, 1936, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 127 bushels of apples at Evansville, Ind., alleging that the article had been shipped in interstate commerce on or about November 23, 1936, by Bob Loehr, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

The apples were alleged to be adulterated in that they contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered their use harmful to health.

On February 1, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26899. Adulteration of walnut meats. U. S. v. 19 Cartons of Walnut Meats. Default decree of destruction. (F. & D. no. 38840. Sample no. 31221–C.)

These walnut meats were in part wormy and moldy.

On December 16, 1936, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cartons of walnut meats at Salt Lake City, Utah, alleging that they had been shipped in interstate commerce on or about October 14, 1936, by the Glaser Nut Shelling Co., from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On January 30, 1937, no claimant having appeared, judgment was entered ordering that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26900. Adulteration of walnut meats. U. S. v. 24 Cartons of Walnut Meats. Default decree of destruction. (F. & D. no. 38841. Sample no. 31222–C.)

These walnut meats were in part wormy and moldy.

On December 16, 1936, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cartons of walnut meats at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about November 25, 1936, by the Los Angeles Nut House from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "L. A. Nut House * * * Los Angeles."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On January 30, 1937, no claimant having appeared, judgment was entered ordering that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26901. Misbranding of canned peas. U. S. v. 517 Cases of Canned Peas. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 38844. Sample no. 12255–C.)

These peas fell below the standard established by the Secretary of Agriculture, since they were not immature and were not labeled to indicate that they were substandard.

On December 17, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 517 cases of canned peas at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about November 11, 1936, by Jaburg Bros., of New York, N. Y., from the F. P. Roe Canning Co., Greensboro, Md., and charging misbranding in violation of the Food and Drugs Act as amended. It was labeled in part: "Pure Food Brand Early June Peas * * * Thomas Roberts & Co. Distributors Philadelphia, Pa."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, more than 25 percent thereof being ruptured, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On January 7, 1937, Thomas Roberts & Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the old labels be obliterated or destroyed and that new labels correctly describing the product be affixed to the containers.

W. R. Gregg, *Acting Secretary of Agriculture.*

26902. Adulteration of frozen shrimp. U. S. v. 4 Boxes of Frozen Shrimp. Default decree of condemnation and destruction. (F. & D. no. 38846. Sample no. 15375–C.)

This shrimp was in whole or in part decomposed.

On December 10, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four boxes of

frozen shrimp at Philadelphia, Pa., alleging that it had been shipped in interstate commerce on or about September 2, 1936, by R. R. Barbour, Inc., from Morehead City, N. C., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a decomposed animal substance.

On January 12, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26903. Adulteration of canned tomato juice. U. S. v. 174 Cases of Tomato Juice. Default decree of condemnation and destruction. (F. & D. no. 38848. Sample no. 28543–C.)

This tomato juice contained excessive mold.

On December 18, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 174 cases of canned tomato juice at Buffalo, N. Y., alleging that it had been shipped in interstate commerce on or about August 11, 1936, by the North East Preserving Works, Inc., from North East, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "North East Tomato Juice * * * Packed by North East Preserving Works, Inc., North East, Penn."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On January 11, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26904. Adulteration of Brazil nuts and filberts. U. S. v. 17 Bags of Brazil Nuts (and other libel proceedings). Portions of products released under bond for segregation and destruction of unfit nuts. Remainder condemned and ordered delivered to charitable institution on condition that the decomposed nuts be destroyed. (F. & D. nos. 38817, 38849, 38850, 38863, 38869. Sample nos. 21499–C, 21504–C, 21505–C, 21509–C, 21513–C, 21515–C.)

These cases involved nuts that were in part moldy, rancid, and decomposed.

On December 14, 17, 21, and 22, 1936, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court five libels praying seizure and condemnation of 55 bags of Brazil nuts and 50 bags of filberts at St. Louis, Mo., alleging that they had been shipped in interstate commerce by the William A. Camp Co., Inc., from New York, N. Y., in part on or about October 17, 1936, and in part on or about November 10, 1936, and charging adulteration in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that they consisted in whole or in part of decomposed vegetable substances.

On December 28, 1936, the William A. Camp Co., Inc., having appeared as claimant for all goods seized, with the exception of one lot consisting of 5 bags of Brazil nuts, and having admitted the allegations of the libels filed in the four proceedings involved, judgments were entered ordering that the nuts so claimed be released under bond conditioned that the unfit portions be sorted out and destroyed. On February 10, 1937, no claim having been entered for the remaining lot, judgment of condemnation was entered and it was ordered that it be delivered to a charitable institution on condition that the nuts be cracked and all bad ones destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26905. Adulteration of walnut meats. U. S. v. 50 Cartons of Walnut Meats. Default decree of condemnation and destruction. (F. & D. no. 38868. Sample no. 17554–C.)

These walnut meats were wholly or in part moldy and wormy.

On December 22, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cartons of walnut meats at New York, N. Y., alleging that they had been shipped in interstate commerce on or about November 21, 1936, by the Whittier Walnut Pack-

ing Co., from Whittier, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On January 9, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26906. Adulteration of salt herring. U. S. v. One Barrel of Salt Herring. Default decree of condemnation and destruction. (F. & D. no. 38876. Sample no. 24256–C.)

This case involved salt herring that was in part decomposed.

On December 23, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of salt herring at San Francisco, Calif., alleging that it had been shipped in interstate commerce on or about September 19, 1936, by A. Bunzen from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On January 22, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26907. Adulteration of walnut meats. U. S. v. 6 Cartons of Walnut Meats. Default decree of condemnation and destruction. (F. & D. no. 38877. Sample no. 31106–C.)

This product was in whole or in part wormy and moldy.

On December 24, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cartons of walnut meats at Denver, Colo., consigned by the Progress Supply Co. from Salt Lake City, Utah, alleging that they had been shipped in interstate commerce on or about November 16, 1936, from the State of Utah into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Standard Amber Walnut Meats * * * L A Nut House 722 Market Ct. Los Angeles From Progress Supply Company Salt Lake City."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On January 14, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26908. Adulteration of frozen strawberries. U. S. v. One Barrel of Frozen Strawberries. Default decree of condemnation and destruction. (F. & D. no. 38878. Sample no. 24560–C.)

This case involved frozen strawberries which were wholly or in part moldy.

On December 29, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of frozen strawberries at Oakland, Calif., alleging that they had been shipped in interstate commerce on or about September 19, 1936, by the S. A. Moffett Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "S. A. Moffett Co. Bainbridge cold pack * * * Seattle, Wash."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On January 22, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26909. Adulteration of tomato puree. U. S. v. 112 Cases of Canned Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 38884. Sample no. 21518–C.)

This tomato puree contained excessive mold.

On December 31, 1936, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 112 cases of canned

tomato puree at Murphysboro, Ill., alleging that it had been shipped in interstate commerce on or about November 5 and November 21, 1936, by the Nagle Packing Co., Inc., from Paducah, Ky., and charging adulteration in violation of the Foods and Drugs Act. The article was labeled in part: "Nagle Packing Co. * * * Tomato Puree * * * Packed by Nagle Packing Co. Incorporated Paducah, Ky."

It was alleged to be adulterated in that it contained mold.

On January 26, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26910. Adulteration of apples. U. S. v. 139 Boxes of Apples. Consent decree entered. Product ordered released under bond. (F. & D. no. 38889. Sample nos. 10377–C, 10378–C.)

This product was contaminated with arsenic and lead.

On December 9, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 139 boxes of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 3, 1936, by the Jewell Produce Co., from Scappoose, Oreg., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Delicious L. Koutek Scappoose, Ore."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients which might have rendered it injurious to health, namely, arsenic and lead.

On December 10, 1936, Julius J. Helfend, claimant, having consented to condemnation of the product and having admitted the allegations of the libel, judgment was entered ordering that the apples be released under bond, conditioned that they should not be sold or otherwise disposed of in violation of the Federal Food and Drugs Act and all other laws.

W. R. Gregg, *Acting Secretary of Agriculture.*

26911. Adulteration of apples. U. S. v. 284 Boxes of Apples. Product ordered released under bond. (F. & D. no. 38890. Sample no. 10379–C.)

This case involved a shipment of apples that were contaminated with arsenic and lead.

On December 9, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 284 boxes of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about October 20, 1936, by the Frank B. Arata Fruit Co., from Wood, Idaho, and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Jonathan Grown by R. H. Shurtleff Payette Idaho."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On December 21, 1936, Charles Milne, Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act and all other laws.

W. R. Gregg, *Acting Secretary of Agriculture.*

26912. Adulteration of butter. U. S. v. 27 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. no. 38892. Sample no. 14578–C.)

This butter contained less than 80 percent of milk fat.

On December 11, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 tubs of butter at Chicago, Ill., alleging that it had been shipped in interstate commerce on or about August 27, 1936, by the Fort Atkinson Creamery Co., from Fort Atkinson, Iowa, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of Congress of March 4, 1923.

On December 29, 1936, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

W. R. GREGG, *Acting Secretary of Agriculture.*

26913. Adulteration and alleged misbranding of butter. U. S. v. 2, 14, 14, 13, and 11 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. no. 38893. Sample no. 28431–C.)

This case involved butter that contained less than 80 percent of milk fat.

On December 11, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 54 tubs of butter at Pittsburgh, Pa., alleging that it had been shipped in interstate commerce on or about November 14, 1936, by Swift & Co., from Paris, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent of milk fat had been substituted for butter.

It was alleged to be misbranded in that it was represented to be butter, which was false and misleading since it contained less than 80 percent of milk fat.

On January 23, 1937, Swift & Co., claimant, having admitted the allegation of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated, and ordering that it be condemned and released under bond on condition that it should not be disposed of as butter until it had been reworked to contain 80 percent of milk fat.

W. R. GREGG, *Acting Secretary of Agriculture.*

26914. Adulteration and misbranding of potatoes. U. S. v. 360 Bags of Potatoes. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 38895. Sample no. 31299–B.)

These potatoes were below the grade indicated on the label.

On December 10, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 bags of potatoes at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about December 3, 1936, by C. H. Runciman, of Lowell, Mich., from Le Roy, Mich., and charging adulteration and misbranding in violation of the Food and Drugs Act. It was labeled in part: "Runciman's Lowell Brand U. S. Grade No. One Michigan Potatoes * * * C. H. Runciman, Lowell, Michigan."

The article was alleged to be adulterated in that potates below U. S. Grade No. 1 had been substituted wholly or in part for U. S. Grade No. 1 potatoes, which the article purported to be.

Misbranding was alleged for the reason that the statement "U. S. No. One Grade" was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes that were below U. S. No. 1 grade.

On December 14, 1936, C. H. Runciman, having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

26915. Misbranding of canned pears. U. S. v. 300 Cases of Canned Pears. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 38896. Sample no. 23869–C.)

These pears failed to conform to the standard established by the Secretary of Agriculture because they were not of normal size, were not uniform in size, and were not in unbroken halves; and the label failed to bear a statement indicating that the product was substandard.

On or about December 31, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of canned pears at Tacoma, Wash., alleging that they had been shipped in interstate commerce on or about December 5, 1936, by the P. J. Burk Canning Co., from Milton, Oreg., and charging misbranding in violation of the

Food and Drugs Act, as amended. The article was labeled in part: "Stadium Brand Bartlet Pears in Syrup Packed for Standard Grocery Company Tacoma, Wash."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the pears were not normal sized, were not uniform sized, and were not in unbroken halves; and its package or label did not bear a plain and conspicuous statement prescribed by regulations of this Department indicating that it fell below such standard.

On January 18, 1937, the Standard Grocery Co., Tacoma, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be properly relabeled.

W. R. Gregg, *Acting Secretary of Agriculture.*

26916. Misbranding of canned salmon. U. S. v. 1,350 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 38898. Sample nos. 23602–C, 32408–C.)

This salmon was represented to be Select quality but in fact consisted of salmon of inferior quality.

On December 31, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,350 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 13, 1936, from Tyee, Alaska, by the Sebastian-Stuart Fish Co., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Dawn Brand Select Salmon * * * Select Pink Salmon Packed By Sebastian Stuart Fish Co. Main Office Seattle."

The article was alleged to be misbranded in that the statements, "Select Salmon" and "Select Pink Salmon", borne on the label were false and misleading and tended to mislead and deceive the purchaser when applied to salmon of an inferior quality.

On January 28, 1937, the Sebastian-Stuart Fish Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

26917. Adulteration of apples. U. S. v. 312 Boxes of Apples. Consent decree of condemnation. Product released under bond. (F. & D. no. 38939. Sample no. 10381–C.)

This product was contaminated with arsenic and lead.

On December 19, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation 312 boxes of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about November 25, 1936, by Mrs. A. F. Guinan from Yakima, Wash., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Triton Apples The Triton Company Seattle."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients which might have rendered it injurious to health, namely, arsenic and lead.

On December 24, 1936, Ben Harvey, claimant, having consented to the entry of a decree and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it should not be disposed of in violation of the law.

W. R. Gregg, *Acting Secretary of Agriculture.*

26918. Adulteration of apples. U. S. v. 815 Boxes of Apples. Product ordered released under bond. (F. & D. no. 38940. Sample no. 10382–C.)

These apples were contaminated with arsenic and lead.

On December 21, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 815 boxes of apples at Los Angeles, Calif., alleging that the article had been shipped in

interstate commerce on or about December 12, 1936, by the J. C. Palumbo Fruit Co., from Payette, Idaho, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "J. C. Palumbo Fruit Co., Payette, Idaho."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On December 31, 1936, C. A. Glass & Co., Inc., Los Angeles, Calif., claimant, having admitted the allegations of the libel and having consented to the condemnation of the product, judgment was entered ordering that the apples be released under bond conditioned that they would not be sold or otherwise disposed of in violation of the Federal Food and Drugs Act and all other laws.

W. R. Gregg, *Acting Secretary of Agriculture.*

26919. Adulteration of apples. U. S. v. 63 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. no. 38941. Sample nos. 10384–C, 10385–C, 10386–C.)

These apples were contaminated with lead and arsenic.

On December 24, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63 boxes of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 16, 1936, by Adolph Hildebrand, from Dallas, Oreg., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "A Hildebrand Dallas Ore."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On January 12, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26920. Adulteration of apples. U. S. v. 435, 158, and 194 Boxes of Apples. Consent decrees entered. Product released under bond. (F. & D. nos. 38942, 38943, 38963. Sample nos. 10387–C, 10388–C, 10389–C, 10391–C, 10392–C.)

A part of these apples were contaminated with lead and arsenic and the remainder with lead only.

On December 23, 28, and 31, 1936, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 787 boxes of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 17, 19, and 21, 1936, by the Pacific Distributors from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part, variously: "L. Koutek, Scappoose, Ore."; "Grown by G. H. Goff, Scappoose, Ore."; "Henry Hildebrand Dallas, Ore."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients which might have rendered it injurious to health, namely, arsenic and lead in certain lots and lead in the remaining lot.

On December 28 and 31, 1936, and January 5, 1937, Julius J. Helfend, claimant, having consented to the condemnation of the product, and having admitted the allegations of the libels, judgments were entered ordering that the apples be released under bond, conditioned that they should not be sold or otherwise disposed of in violation of the Federal Food and Drugs Act and all other laws.

W. R. Gregg, *Acting Secretary of Agriculture.*

26921. Adulteration of ciscoes (fish). U. S. v. 55, 20, 20, and 56 Boxes of Ciscoes. Default decrees of condemnation and destruction. (F. & D. nos. 38964, 38965, 38967, 38968. Sample nos. 17124–C, 17125–C, 26526–C, 26527–C.)

This product was infested with worms.

On January 7, 1937, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 151 boxes of ciscoes at New York, N. Y., alleging that the article had been shipped on or about January 4 and January 5, 1937, by H. Meyer from Montreal, Quebec, Canada,

into the State of New York, and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Products of Canada H. Meyer * * * Montreal, Que."

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance, and in that it consisted of portions of animals unfit for food.

On January 22, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26922. Adulteration of apples. U. S. v. 90 Boxes of Apples. Product ordered released under bond. (F. & D. no. 39064. Sample no. 10401–C.)

These apples bore excessive spray residue.

On January 16, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 boxes of apples at Los Angeles, Calif., alleging that they had been shipped in interstate commerce on or about January 8, 1937, by Max Smith from Yakima, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Grown and Packed by Tom Curtis Tieton Washington."

It was alleged to be adulterated in that it contained excessive spray residue, an added poisonous or deleterious ingredient, which might have rendered it injurious to health.

On January 19, 1937, the Western Fruit Jobbers, Inc., Los Angeles, Calif., claimant, having admitted the allegations of the libel and having consented to the condemnation of the product, judgment was entered ordering that the apples be released under bond conditioned that they should not be disposed of in violation of the Federal Food and Drugs Act and all other laws.

W. R. Gregg, *Acting Secretary of Agriculture.*

26923. Adulteration of green peppers. U. S. v. 20 Crates of Green Peppers. Default decree of condemnation and destruction. (F. & D. no. 39098. Sample no. 7845–C.)

This product was contaminated with lead.

On December 9, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 crates of green peppers at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about November 30, 1936, by Robt. T. Cochran & Co., from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient.

On January 19, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26924. Adulteration of butter. U. S. v. 30 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. no. 39101. Sample no. 8848–C.)

This butter contained less than 80 percent of milk fat.

On January 13, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 tubs of butter at New York, N. Y., alleging that it had been shipped in interstate commerce on or about January 5, 1937, by the Land O'Hills Creamery, Inc., from Buckhannon, W. Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On January 15, 1937, the Land O'Hills Creamery, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

W. R. Gregg, *Acting Secretary of Agriculture.*

26925. Adulteration of apples. U. S. v. 26 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38966. Sample no. 26025–C.)

These apples were contaminated with arsenic and lead.

On December 15, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 bushels of apples at Kenosha, Wis., alleging that the article had been transported in interstate commerce on or about November 13, 1936, from Hammond, Ind., by truck hired by Samuel Rosenbloom, the consignor, and accompanied by him to Kenosha, Wis., and charging adulteration in violation of the Food and Drugs Act. It was labeled: "Harold Hiler R. 2 Watervliet, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 15, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26926. Adulteration of confectionery. U. S. v. H. L. Caplan & Co., Inc. Plea of nolo contendere. Fine, $25 and costs. (F. & D. no. 34050. Sample nos. 50544–A, 60023–A.)

This case involved confectionery that contained alcohol.

On November 5, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against H. L. Caplan & Co., Inc., Baltimore, Md., alleging shipment by said company in violation of the Food and Drugs Act on or about December 29, 1933, from the State of Maryland into the State of New York; and on or about January 25, 1934, from the State of Maryland into the State of Ohio of quantities of confectionery that was adulterated. The article was labeled: (Foil wrapper) "Mlle. Modiste Cognac [or "Apricot", "Benedictine", or "Rhum"] Confiseur Paris."

It was alleged to be adulterated in that it contained spirituous liquor.

On February 5, 1936, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of $25 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

26927. Adulteration of butter. U. S. v. 72 Tubs, more or less, of Butter. Portion of product condemned and destroyed; remainder released. (F. & D. no. 35810. Sample no. 41031–B.)

A part of this product contained filth.

On July 10, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 tubs, more or less, of butter at Minneapolis, Minn., alleging that it had been shipped in interstate commerce on or about July 3, 1935, by the Black Hills Farmers Union Creamery from Rapid City, S. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid substance.

On February 5, 1937, 84 tubs of the product having been seized and the Black Hills Farmers Union Creamery having appeared as claimant therefor, judgment was entered ordering that 41 tubs be condemned and destroyed and that the remainder be released.

W. R. Gregg, *Acting Secretary of Agriculture.*

26928. Alleged adulteration of frozen eggs. U. S. v. Krasno Quality Egg Co. Directed verdict for defendant. (F. & D. no. 35899. Sample no. 7391–B.)

On September 5, 1935, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Krasno Quality Egg Co., a corporation, Milwaukee, Wis., alleging that said company had shipped on or about March 13, 1934, from the State of Wisconsin into the State of New York a quantity of frozen eggs, and charging that they were adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a decomposed and putrid animal substance.

On November 18, 1935, the case having come on for trial before a jury, the court directed that a verdict be returned for the defendant.

W. R. Gregg, *Acting Secretary of Agriculture.*

26929. Adulteration of tomato catsup. U. S. v. 65 Cans of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 36274. Sample no. 26385–B.)

This product contained filth resulting from worm infestation.

On September 9, 1935, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 65 cases of tomato catsup at Portland, Oreg., alleging that it had been shipped in interstate commerce on or about July 25, 1935, by Libby, McNeill & Libby from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Silver Dale Brand Tomato Catsup * * * Packed * * * for Emery Food Co., Chicago."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On March 10, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26930. Adulteration and misbranding of butter. U. S. v. Kraft-Phenix Cheese Corporation. Plea of guilty. Fine, $110. (F. & D. no. 34093. Sample nos. 4161–B, 4178–B, 4180–B, 4182–B.)

This butter contained less than 80 percent of milk fat. The statement of the quantity of the contents appearing on the packages of the Chiffon Whipt butter was inconspicuous and was incorrect in certain lots. No statement of the quantity of the contents appeared on the packages of the country-roll butter.

On April 30, 1936, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kraft-Phenix Cheese Corporation, having a place of business at Water Valley, Miss., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about July 14, July 27, July 28, and July 29, 1934, from the State of Mississippi into the State of Louisiana, of quantities of butter that was adulterated and misbranded. A portion of the article was labeled: (Case) "40 Half Pound Packages"; (package) "Chiffon Whipt Butter * * * Created by Kraft Kraft-Phenix Cheese Corporation * * * Chicago, Illinois * * * Net Wt. ½ Lb." (The statement of weight on the packages was inconspicuous.) The remainder was labeled "Country Rolls."

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

The Chiffon Whipt butter was alleged to be misbranded in that the statement "Butter", with respect to all lots, and the statements "Half-Pound" and "Net Wt. ½ Lb.", with respect to portions thereof, were false and misleading and were applied to the article so as to deceive and mislead the purchaser, since it contained less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress; and the packages in certain shipments contained less than one-half pound. Misbranding was alleged with respect to all lots for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 9, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $110.

W. R. Gregg, *Acting Secretary of Agriculture.*

26931. Adulteration of canned salmon. U. S. v. Berg & Co., Inc., and Jorgen E. Berg. Pleas of guilty. Fine, $50 and costs. (F. & D. no. 36953. Sample no. 53608–B.)

This product was in part decomposed.

On April 22, 1936, the United States attorney for the First Division of the District of Alaska, acting upon a report by the Secretary of Agriculture, filed

in the district court an information against Berg & Co., Inc., Ketchikan, Alaska, and Jorgen E. Berg, an officer of said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act on or about October 9, 1935, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon that was adulterated.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On February 11, 1937, the court imposed a fine of $50 and costs, pleas of guilty having been entered on behalf of defendants on May 23, 1936.

W. R. Gregg, *Acting Secretary of Agriculture.*

26932. Adulteration of canned salmon. U. S. v. Annette Island Canning Co. Plea of guilty. Fine, $150 and costs. (F. & D. no. 36958. Sample nos. 37578–B, 37864–B, 53686–B, 54558–B, 54596–B, 64941–B.)

This salmon was in part decomposed.

On April 22, 1936, the United States attorney for the First Division of the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Annette Island Canning Co., a corporation, Metlakatla, Alaska, alleging shipment by said company in violation of the Food and Drugs Act on or about August 10, August 16, and September 6, 1935, from the Territory of Alaska into the State of Washington of quantities of canned salmon that was adulterated. A portion of the article was labeled: "Bugle Brand, Alaska Pink Salmon Kelly-Clarke Co., Seattle, Distributors."

It was alleged to be adulterated in that it consisted in part of a decomposed and putrid animal substance.

On February 11, 1937, the court imposed a fine of $150 and costs, a plea of guilty having been entered on behalf of the defendant on May 23, 1936.

W. R. Gregg, *Acting Secretary of Agriculture.*

26933. Adulteration and misbranding of tomato juice. U. S. v. 1,126 Cases of Canned Tomato Juice. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37275. Sample no. 53431–B.)

This product contained added water.

On February 29, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,126 cases of tomato juice at Portland, Oreg., alleging that it had been shipped in interstate commerce on or about December 3, 1935, by Stokely Bros. & Co., from Oakland, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Armour's Star Quality * * * Tomato Juice * * * Armour and Company Chicago U. S. A. Distributors."

It was alleged to be adulterated in that water had been mixed and packed therewith so as to reduce or lower its quality or strength and had been substituted in part for the article.

The article was alleged to be misbranded in that the following statements on the label, "Tomato Juice * * * natural juice from ripe tomatoes canned by methods which retain its high content of vitamins A-B-C", were false and misleading and tended to deceive and mislead the purchaser.

On July 27, 1936, C. P. Dorr, San Francisco, Calif., claimant, having consented to the entry of the decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. Gregg, *Acting Secretary of Agriculture.*

26934. Adulteration and misbranding of raspberry and strawberry preserves. U. S. v. 452, 1,412, 812, and 513 Jars of Alleged Raspberry and Strawberry Preserves. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37465. Sample nos. 65862–B to 65865–B, inc.)

This case involved preserves which contained less fruit and more sugar than standard preserves, which contained added pectin, and which were insufficiently concentrated. In addition, certain lots contained added water and phosphate.

On March 27, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,864 1-pound jars and 1,325 1-pound jars of alleged raspberry and strawberry preserves at Boston, Mass., alleging that the articles had been shipped in interstate commerce in part on or

about December 30, 1935, and in part on or about February 7, 1936, by the Velmo Co., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Golden West * * * Pure Raspberry [or "Strawberry"] Preserves * * * Golden West Preserve Co. San Francisco & New York."

The articles were alleged to be adulterated in that mixtures of sugar and pectin—certain lots also contained added water and phosphate—had been mixed and packed with them so as to reduce or lower their quality; and in that insufficiently concentrated mixtures of fruit, sugar, and pectin (certain lots of which also contained added water and phosphate)—said mixtures containing less fruit and more sugar than standard preserves should contain—had been substituted for preserves, which the articles purported to be. Adulteration was alleged for the further reason that the articles had been mixed in a manner whereby their inferiority was concealed.

The articles were alleged to be misbranded in that the statements on the labels, "Pure Raspberry Preserves" [or "Pure Strawberry Preserves"]", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves but which contained less fruit than preserves should contain, the deficiency in fruit being concealed by the addition of pectin and excess sugar, and in certain lots also added water and phosphate. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

On December 17, 1936, the United Markets, Inc., Boston, Mass., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the products be released under bond conditioned that they be relabeled to indicate their true nature.

W. R. Gregg, *Acting Secretary of Agriculture.*

26935. Adulteration of canned tomato juice. U. S. v. 250 Cases, more or less, of Tomato Juice. Consent decree of condemnation and destruction. (F. & D. no. 37499. Sample no. 59190–B.)

This product contained excessive mold.

On March 30, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 250 cases of canned tomato juice at El Reno, Okla., alleging that the article had been shipped in interstate commerce on or about September 16 and October 14, 1935, by the Nelson Packing Co., Inc., from Springdale, Ark., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Nelson's Brand Tomato Juice * * * Produced * * * by Nelson Packing Co., Inc., Springdale, Arkansas."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On March 12, 1937, the Nelson Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26936. Adulteration and misbranding of olive oil. U. S. v. Four 1-Gallon Cans and 7 Half-Gallon Cans of Alleged Olive Oil. Default decree of condemnation and destruction. (F. & D. no. 37593. Sample no. 62864–B.)

This article was adulterated with tea-seed oil.

On April 15, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4 gallon cans and 7 half-gallon cans of olive oil at Washington, D. C., alleging that it was in possession of the American Meat Market, of Washington, D. C., and was being offered for sale in the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Elephant Brand Imported Virgin Olive Oil Embro Import Co. * * * New York, N. Y."

It was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength, and had been substituted in whole or in part for olive oil, which it purported to be.

The article was alleged to be misbranded in that the following statements and designs borne on the label were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil:

"Imported Virgin Olive Oil", "Puro Olio D' Oliva Vergine [design of olive branch bearing olives]", "The Olive oil contained in this can is pressed from fresh picked selected olives. It is guaranteed to be absolutely pure under chemical analysis * * * L'olio di oliva che questa latta contiene a prodotto da olive accuratamente scelte e garantito di essere assolutamente puro sotto qualunque analisi chimica. Esso e altamente raccomandato tanto per uso da tavola come per uso medicinale", "Imported Olive Oil." It was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, namely, olive oil.

On August 11, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26937. Adulteration of dried peaches. U. S. v. Libby, McNeill & Libby. Plea of guilty. Fine, $200. (F. & D. no. 37977. Sample no. 46251–B.)

Samples of these dried peaches were found to be insect-infested, dirty, moldy, and decayed.

On August 18, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Libby, McNeill & Libby, a corporation having places of business at San Francisco and Oakland, Calif., alleging shipment by said company in violation of the Food and Drugs Act on or about December 31, 1935, from the State of California into the State of Ohio of a quantity of dried peaches that were adulterated. The article was labeled in part: "Portsmouth Extra Choice Cling Peaches Packed for The Gilbert Gro Co Portsmouth Ohio."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On February 18, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $200.

W. R. Gregg, *Acting Secretary of Agriculture.*

26938. Adulteration of canned salmon. U. S. v. G. P. Halferty & Co. Plea of guilty. Fine, $10 and costs. (F. & D. no. 38040. Sample nos. 73272–B, 73769–B.)

This salmon was in part decomposed.

On December 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against G. P. Halferty & Co., a corporation, Seattle, Wash., alleging shipment by said company on or about February 18, 1936, from the State of Washington into the State of Idaho of a quantity of canned salmon that was adulterated. It was labeled in part: "Halferty Corporation, Show Boat Brand, Fancy Alaska Pink Salmon."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On January 18, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $10 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

26939. Adulteration of dressed poultry. U. S. v. Bruce Boehner (Malvern Cold Storage Co.) Plea of guilty. Fine, $25 and costs. (F. & D. no. 38058. Sample no. 59217–B.)

Samples of this product were found to be emaciated or otherwise unfit for food.

On November 14, 1936, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bruce Boehner, trading as the Malvern Cold Storage Co., Malvern, Iowa, alleging shipment by said defendant in violation of the Food and Drugs Act, on or about April 7, 1936, from the State of Iowa into the State of Nebraska of a quantity of dressed poultry that was adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On January 27, 1937, the defendant entered a plea of guilty and the court imposed a fine of $25 and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

26940. Adulteration of butter. U. S. v. Rose Arctic Ice Cream & Bottling Co. Plea of guilty. Fine, $50. (F. & D. no. 38069. Sample no. 3027–C.)

This butter contained less than 80 percent of milk fat.

On December 10, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rose Arctic Ice Cream & Bottling Co., Grand Junction, Colo., alleging shipment by said company on or about June 5, 1936, from the State of Colorado into the State of California of a quantity of butter that was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of Congress of March 4, 1923, which it purported to be.

On January 19, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50.

W. R. Gregg, *Acting Secretary of Agriculture.*

26941. Adulteration and misbranding of butter. U. S. v. 32, 34, and 23 Cases of Butter. Default decree of condemnation and destruction. (F. & D. no. 38113. Sample nos. 2952–C, 2953–C, 2954–C.)

Samples of this product were found to be filthy or decomposed. A portion was found to contain less than 80 percent of milk fat, the standard for butter established by act of Congress.

On August 13, 1936, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 89 cases of butter at Butte, Mont., alleging that it had been shipped in interstate commerce between the dates of July 6 and July 11, 1936, by the Melrose Creamery from Rigby, Idaho; and charging adulteration of the product, and misbranding of a portion, in violation of the Food and Drugs Act. The article was labeled in part: "Melrose Creamery Butter * * * Manufactured and Packed by Melrose Creamery, Idaho Falls, Idaho, Rigby, Idaho."

It was alleged to be adulterated in that a substance, foreign matter, had been mixed and packed with it so as to reduce and lower its quality; and in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

A portion of the article was alleged to be misbranded in that the statement on the label, "Butter", was false and misleading and was applied to it so as to deceive and mislead the purchaser, since said statement represented that the article was butter, a product containing not less than 80 percent by weight of milk fat; whereas it was not butter since it contained less than 80 percent by weight of milk fat. Misbranding was alleged with respect to said portion for the further reason that it was offered for sale under the distinctive name of another article.

On February 18, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26942. Misbranding of canned cherries. U. S. v. 40 Cases and 40 Cases of Cherries. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 38211. Sample no. 3275–C.)

The cases and certain of the jar labels of this product represented the quantity of the contents of the jars to be 4 ounces and 5 ounces, respectively. Examination showed that the jars contained less than the amount represented. On some of the jar labels the declaration of the quantity of the contents was absent and on some was inconspicuous.

On August 25, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80 cases of canned cherries at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 16, 1936, by the Excelsior Packing Co., of New York, N. Y., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cases) "4 Doz. 4 Oz. [or "5 Oz."]"; (jars) "Excelsior Cherries Contents 4 Oz. [or "Contents 5 Oz." or "Contents Oz."] * * * Packed by Excelsior Pack-

ing Co. New York-Chicago." On some of the 5-ounce jars the quantity of contents statement was not on the main jar label but appeared on the neck band as follows: "Contents 5 Ounces."

The article was alleged to be misbranded in that the statements, (cases) "4 Oz." or "5 Oz.", and (jars) "Contents 4 Oz.", or "Contents 5 Oz.", were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short in weight. Misbranding of the portion of the product labeled "Contents Oz." was alleged further in that the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding of the 5-ounce jars that carried the weight statement on the neck band only was alleged in that the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "Contents 5 Ounces" did not appear on the main panel.

On January 12, 1937, B. M. Reeves Co. Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

26943. Adulteration of canned salmon. U. S. v. 60 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 38271. Sample nos. 11078–C, 11089–C.

This salmon was in part decomposed.

On September 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 cases of canned salmon at Seattle, Wash., alleging that it had been shipped in interstate commerce on or about August 10, 1936, by the Douglas Fisheries Co., from Douglas, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On January 23, 1937, the Douglas Fisheries Co., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act.

W. R. Gregg, *Acting Secretary of Agriculture.*

26944. Adulteration of canned salmon. U. S. v. 10,062, 67, 79, and 650 Cases of Canned Salmon. Decrees of condemnation. Product released under bond. (F. & D. nos. 38311, 38370, 38372. Sample nos. 3634–C to 3639–C, incl., 3641–C, 3642–C, 3464–C, 4429–C, 4432–C.)

These cases involved canned salmon that was in part decomposed.

On September 16, 28, and 29, 1936, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 10,858 cases of canned salmon at San Francisco, Calif., alleging that it had been shipped in interstate commerce on or about August 20, 1936, by the Alaska Salmon Co., in part from Nushagak, Alaska, and in part from Bristol Bay, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On February 17, 1937, the Alaska Salmon Co., having appeared as claimant, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be brought into conformity with the Federal Food and Drugs Act.

W. R. Gregg, *Acting Secretary of Agriculture.*

26945. Misbranding of canned salmon. U. S. v. 800 Cases of Canned Salmon (and other libel proceedings). Consent decrees of condemnation. Product released under bond for relabeling. (F. & D. nos. 38344, 38345. Sample nos. 13444–C, 13445–C.)

This product was represented to be first quality, Select pink salmon. Examination showed that it consisted of pale pink salmon of inferior quality.

On November 28 and December 1, 1936, the United States attorneys for the Western District of South Carolina and the Eastern District of South Carolina, filed in their respective district courts libels praying seizure and condemnation of 800 cases of canned salmon at Greenville, S. C., and 99 cases and 70 cans of canned salmon at Charleston, S. C., alleging that the article had been shipped in interstate commerce in part on or about August 24, 1936, and in part on or about August 28, 1936, by McGovern & McGovern, from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act. It was labeled in part: "Sea Flyer Brand First Quality Alaska Pink Salmon * * * Select Alaska Pink Salmon * * * Distributed by McGovern & McGovern Seattle."

The article was alleged to be misbranded in that the statements on the label, "First Quality * * * Select Alaska Pink Salmon", were false and misleading and tended to deceive and mislead the purchaser when applied to a product consisting of pale pink salmon of inferior quality.

On January 2 and January 14, 1937, McGovern & McGovern, Seattle, Wash., and Britt-McKinney Co., Greenville, S. C., having appeared as claimants for respective portions of the article, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that the cans have affixed thereto new labels that do not bear the words "first quality" or "select" or any other statement in violation of the law.

W. R. Gregg, *Acting Secretary of Agriculture.*

26946. Misbranding of canned salmon. U. S. v. 574 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 38385. Sample no. 22097–C.)

This product was represented to be Fancy quality but consisted of pink salmon of inferior quality.

On October 6, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 574 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 30, 1936, by the Hood Bay Canning Co., from Hood Bay, Alaska, and charging misbranding in violation of the Food and Drugs Act. It was labeled in part: (Case) "Select Pink Salmon Distributed by Kelley-Clarke Co., Seattle, Wash."; (can) "Bugle Brand Fancy Alaska Pink Salmon."

The article was alleged to be misbranded in that the statements in the labeling, "Select Pink Salmon" and "Fancy Alaska Pink Salmon", were false and misleading and tended to deceive and mislead the purchaser when applied to pink salmon of inferior quality.

On October 15, 1936, the Hood Bay Canning Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled to conform to the Federal Food and Drugs Act.

W. R. Gregg, *Acting Secretary of Agriculture.*

26947. Adulteration of canned salmon. U. S. v. 1,625 Cartons and 14,860 Cases of Canned Salmon. Decree of condemnation. Product exonerated in part and part released under bond subject to reconditioning and relabeling. (F. & D. no. 38373. Sample nos. 22321–C, 22327–C.)

This salmon was in part decomposed.

On September 30, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,625 cartons and 14,860 cases of canned salmon at Bellingham, Wash., alleging that it had been shipped in interstate commerce on or about August 26, 1936, by Pioneer Sea Foods Co., from Orca, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On March 16, 1937, the Pacific American Fisheries, Inc., of Bellingham, Wash., having appeared as claimant, decree of condemnation was entered and it was ordered that a portion of said product be exonerated and that the remainder be released under bond subject to segregation and destruction of the adulterated portion and relabeling of the remainder as "Reprocessed."

W. R. Gregg, *Acting Secretary of Agriculture.*

26948. Misbranding of butter. U. S. v. 15 Cases and 12 Cartons of Butter. Default decree of condemnation and destruction. (F. & D. no. 38454. Sample no. 13663–C.)

This product was short in weight.

On October 8, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases, 30 cartons each, and 12 separate cartons of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about September 29, 1936, by the Kraft-Phenix Cheese Corporation from Water Valley, Miss., and charging misbranding in violation of the Food and Drugs Act. It was labeled in part: (Carton) "Elkhorn Pure Creamery Butter One Pound Net."

The article was alleged to be misbranded in that the statements, "One Pound Net Weight" on the cartons, and "1-lb. Prints" on the shipping case, were false and misleading since the cartons contained less than 1 pound. It was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was not correct.

On December 29, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26949. Adulteration of canned salmon. U. S. v. 1,460 Cases, 2,971 Cases, and 1,422 Cartons of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. nos. 38463, 38497. Sample nos. 23629–C, 23677–C, 23688–C, 23712–C, 29282–C.)

These cases involved canned salmon that was in part decomposed.

On October 26 and November 4, 1936, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 4,431 cases and 1,422 cartons of canned salmon at Seattle, Wash., alleging that it had been shipped in interstate commerce in part on or about August 26,, 1936, and in part on or about September 6, 1936, by the Hydaburg Fisheries, Inc., from Hydaburg, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On February 3, 1937, the Hydaburg Fisheries, Inc., having appeared as claimant and having consented to the entry of a decree, and the cases having been consolidated, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be sold or otherwise disposed of in violation of the law.

W. R. Gregg, *Acting Secretary of Agriculture.*

26950. Adulteration of canned salmon. U. S. v. 7,165 Cases of Canned Salmon. Decree of condemnation in part. Portion of product exonerated; remainder ordered released under bond. (F. & D. no. 38527. Sample nos. 11059–C, 22309–C.)

This product was in part decomposed.

On November 9, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 7,165 cases of canned salmon at Bellingham, Wash., alleging that the product had been shipped in interstate commerce on or about June 20, June 25, and August 3, 1936, by Pacific American Fisheries, Inc., from King Cove, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On March 16, 1937, Pacific American Fisheries, Inc., having appeared as claimant, a decree of condemnation was entered and it was ordered that a portion of said product be exonerated and that the remainder be released under bond conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act.

W. R. Gregg, *Acting Secretary of Agriculture.*

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U. S. GOVERNMENT PRINTING OFFICE: 1937

ERRATA NOTICE

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Page 430, third new paragraph, line 7, insert cubic before centimeters.
Page 435, N. J. no. 26963, line 2, in parenthesis, insert Z. before Hubay.
Page 441, N. J. no. 26972, line 2, insert comma after Compound.
Page 443, N. J. no. 26975, paragraph 2, line 4, delete the libel.
Page 450, line 2, change sagrda to sagrada; sixth and seventh new paragraphs, line 1, change Ointment to Liniment
Page 452, N. J. no. 26986, paragraph 4, third line from last, change Aconate to Aconite.
Page 453, fourth new paragraph, line 1, insert comma after appeared.
Page 462, column 1, change Castrigue to Castrique.
Page 463, column 1, last line, transfer Smidler, Herman . . . . 26965 to line 2, column 2; column 2, second line from last, change Medicinal to Medical.

N. J., F. D. 26951–27000 Issued July 1937

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

26951–27000

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 15, 1937]

26951. Misbranding of Bromo-Foam. U. S. v. Chancey A. Jones (Bromo-Foam Co.). Plea of nolo contendere. Fine, $50 and sentence of imprisonment for 1 year; sentence of imprisonment suspended and defendant placed on probation for 5 years on payment of fine. (F. & D. no. 31345. Sample no. 40601–A.)

This case involved an interstate shipment of an article, labeled "Bromo-Foam", the package and the label on the containers of which bore and contained false and fraudulent curative and therapeutic claims and a false and misleading representation that the active ingredients of the article were bromides.

On February 5, 1934, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Chancey A. Jones, trading as the Bromo-Foam Co., Tiffin, Ohio, charging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about May 20, 1933, from the State of Ohio into the State of Indiana of a quantity of Bromo-Foam that was misbranded.

Analysis of the article showed that it consisted essentially of sodium bicarbonate (65 percent), sodium chloride (3.87 percent), sodium salicylate (3.44 percent), sodium bromide (2.90 percent), caffeine (0.51 percent), and citric acid, flavored with oil of peppermint.

The article, contained in 24 tubes all enclosed in a carton, was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the tube labels, carton, an accompanying display carton, and display strip, falsely and fraudulently represented that it would be effective to promote real health; effective as a treatment, remedy, and cure for exhaustion, indigestion, ailments of the head and stomach, and sick stomach; effective as a relief for headache due to any nervous or mental strain, stomach disorders caused by eating, biliousness, and indigestion; and effective as a neutralizing agent. The article was alleged to be misbranded in that the statement "Bromo-Foam", borne on the tube labels, carton, accompanying display carton, and display strip, was false and misleading in that it represented that the active ingredients of the article consisted of bromides; whereas in fact the active ingredients of the article did not consist of bromides.

On January 21, 1937, the defendant entered a plea of nolo contendere; and the court imposed a fine of $50 and a sentence of imprisonment for 1 year, but suspended the sentence of imprisonment and placed the defendant on probation for 5 years on payment of the fine.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26952. Misbranding of Eczematone and Eczematone Ointment. U. S. v. 92 Bottles and 1 Jug of Eczematone. Tried to the court. Judgment of condemnation and destruction; product released under bond. U. S. v. 55 Jars of Eczematone Ointment and 115 Bottles of Eczematone. Consent decree of condemnation; products released under bond. (F. & D. nos. 32254, 32255, 32256. Sample nos. 61552–A, 61555–A, 61556–A.)

The labels of these products bore false and fraudulent representations regarding their curative and therapeutic effects.

On March 10, 1934, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 207 bottles of various sizes and

one 1-gallon jug of Eczematone and 55 jars of Eczematone Ointment at Amarillo, Tex. It was alleged that the articles had been shipped in interstate commerce, the Eczematone on or about January 23, April 12, July 31, and November 6, 1933, and the Eczematone Ointment on or about March 4, September 7, and October 30, 1933, by the Barlow Chemical Association from Oklahoma City, Okla., and that they were misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of Eczematone showed that it consisted essentially of mercuric chloride (corrosive sublimate, 0.3 gram per 100 milliliters), a trace of boric acid, alcohol (84 percent by volume), and water. Analysis of the Eczematone Ointment showed that it consisted essentially of mercury and a mercury compound incorporated in an ointment base.

The bottles containing the Eczematone were labeled variously in part as follows: "Eczematone * * * The Greatest Discovery of the Age for Skin and Scalp Disease * * * For Eczema, Acne and Pimples. * * * A Panacea For Scalp Disease Directions—Bathe freely the parts affected twice a day or as needed, always rubbing gently until the surface is dry. Remember it must be applied very freely, either for Scalp Disease or for Skin Trouble. In some very stubborn cases of Eczema, it is sometimes necessary to use our Eczematone Ointment at night and wash it off in the morning with Eczematone Liquid. * * * For Dandruff and Falling Hair Just apply Eczematone freely to the roots of the hair. Massage in well every other day for a week. Then shampoo the hair thoroughly with Eczematone Liquid Soap. Dry the hair and apply another application of Eczematone immediately. In severe cases, repeat the following week. After that, a good application of Eczematone once a week, as a preventative, and your scalp troubles are over. * * * Eczematone * * * For the following ailments, always use Eczematone. Eczema, Acne, Pimples, Tetter, Ringworm, Barber's Itch, Dandruff, Falling Hair, * * * Sore * * * Aching feet. Just apply freely 2 or 3 times a day, or as needed and see for yourself, the wonderful results * * * Eczematone * * * For Skin and Scalp Disease * * * For Eczema, Acne and Pimples. * * * Directions—Apply freely to parts affected, 2 or 3 times a day as needed, always rubbing gently until surface is dry. Remember it must be used very freely, either for Skin or Scalp troubles. In severe cases of Skin Troubles, it is sometimes advisable to use Eczematone Ointment at night, and wash it off in the morning with Eczematone Liquid. * * * For Dandruff and Falling Hair Just apply Eczematone freely to the roots of the hair. Massage in well every other day for a week. Then shampoo the hair thoroughly, preferably with Eczematone shampoo [or Soap]. Dry the hair, and apply another application of Eczematone, immediately. In severe cases, repeat the following week, after that, a good free application once a week, as a preventative. * * * Eczematone * * * For the following Ailments, try Eczematone. Eczema, Acne, Pimples, Tetter, Ringworm, Barber's Itch, * * * Aching Feet. Just apply freely, 2 or 3 times a day as needed, and see the wonderful results for yourself."

The Eczematone was alleged to be misbranded in that the aforesaid statements regarding its curative or therapeutic effects borne on the labels of the bottles, falsely and fraudulently represented that it was capable of producing the effect claimed in said statements.

The jars containing the Eczematone Ointment were labeled in part as follows: "Eczematone * * * Especially prepared for Eczema, Acne, Pimples, Scrofula Sores, and any kind of Skin Troubles of any nature. Directions Apply freely to parts affected and rub in thoroughly until the surface is nearly dry. Once or twice a day as required. In severe cases apply this Ointment at night, and wash off in the morning with Eczematone Liquid. * * * A guaranteed Pile Remedy."

The Eczematone Ointment was alleged to be misbranded in that the aforesaid statements regarding its curative and therapeutic effects, borne on the jar labels, falsely and fraudulently represented that it was capable of producing the effects claimed in said statements.

On September 17, 1934, the Barlow Chemical Association having intervened as claimant, the case *U. S.* v. *92 Bottles and 1 Jug of Eczematone* was tried to the court, a jury having been waived, and on September 26, 1935, judgment of condemnation was entered and the product was ordered destroyed. On October 23, 1935, the product was released under bond conditioned that it not be disposd of contrary to law.

In the cases *U. S. v. 55 Jars of Eczematone Ointment* and *115 Bottles of Eczematone*, the Barlow Chemical Association, claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered on June 4, 1936, and on June 8, 1936, the product was ordered released under bond conditioned that it not be disposed of contrary to law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26953. Misbranding of Compressed Tablet Thyroid Glands. U. S. v. William H. Rorer, Inc. Tried to the court. Judgment of guilty; fine, $10. (F. & D. no. 32919. Sample no. 58666-A.)

These tablets contained a greater quantity of desiccated thyroid than was represented on the label.

On October 1, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William H. Rorer, Inc., Philadelphia, Pa., charging shipment by said corporation on or about October 30, 1933, in violation of the Food and Drugs Act, from the State of Pennsylvania into the State of New Jersey, of a quantity of Compressed Tablet Thyroid Glands that were misbranded.

The article was alleged to be misbranded in that the statement, "Thyroid Glands Desiccated Each Tablet Represents * * * 2 Grains", borne on the bottle labels, was false and misleading in that it represented that each of the tablets contained 2 grains of desiccated thyroid; whereas in fact each of the tablets contained more than 2 grains of desiccated thyroid.

On December 16, 1936, after trial of the case to the court on February 19, 1936, and a jury having been waived, judgment was rendered in the following opinion:

KIRKPATRICK, *District Judge:* This was a criminal prosecution under Section 2 of the Food and Drugs Act as amended. It was tried to the Court, a jury trial having been waived. The facts are quite simple, and by the verdict which I shall enter, they are determined as follows:

The defendant sold a bottle containing one hundred 4-grain thyroid tablets. The label represented that the tablets contained an average of 2 grains of thyroid each. I find as a fact that the tablets contained an average of not less than two and forty-one hundredths grains of the essential thyroid element—an excess of 20 percent over the content as represented.

No evidence was presented by either side to show whether or not such an excess of thyroid, of the existence of which the user or prescribing physician would in all probability be ignorant, could be dangerous or harmful.

At the trial I held that the defendant could not be convicted of adulteration. The question remains whether it is guilty of misbranding.

The pertinent words of the statute are (Section 2) "Any person * * * who shall sell * * * any * * * misbranded * * * drugs * * * shall be guilty of a misdemeanor, etc."; (Section 8) "That the term 'misbranded' as used herein shall apply to all drugs * * * the package or label of which shall bear any statement, * * * regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular * * *."

If the statute be interpreted literally the defendant has violated it. His statement that each tablet contained 2 grains of thyroid was in fact a false statement regarding the articles, their ingredients, and the substances contained therein.

It is obvious, however, that one must stop somewhere short of an absolutely literal construction. Thus, if a man sells a pound and a quarter of pure butter under a label representing that the package contained one pound, or, if this defendant had put 105 tablets in his bottles of 100, it would be beyond reason to hold that the Act had been violated.

The misrepresentation here involved, however, does not relate to the number of articles sold or the quantity of a uniform substance. In *United States* vs. *Johnson*, 221 U. S. 488, the Supreme Court, in holding that the statute did not cover false or fraudulent claims of merit or of the curative effect of a drug, went on to say that the phrase (referring to the definitions of misbranding) "is aimed not at all possible false statements, but only at such as determine the identity of the article, possibly including its strength, quality and purity." This seems to cover the case at hand. The defendant's representation, upon

its label, had to do with the identity of the article. A tablet which contains 2.4 grains of thyroid and 1.6 grains of sugar, talcum, and acacia is not identical with a tablet which contains 2 grains of thyroid and 2 grains of the other substances. It is therefore not necessary to resort to an absolutely literal construction in order to cover the defendant's act. The more limited interpretation placed upon the statute by the Supreme Court will do it.

It remains to consider the argument of the defendant for a construction which would limit the application of the statute to cases in which the false representation is deceptive (in the fraudulent sense), detrimental to health, or otherwise injurious to the buying public.

We may accept, provisionally at least, this construction although it may be noted that the decisions cited for it (*Hall-Baker Grain Company* vs. *United States*, 198 Fed. 614; *French Silver Dragee Company* vs. *United States*, 179 Fed. 824) involved the misbranding of foods and not drugs.

Even so, I am of the opinion that the false statement that a tablet contains substantially less of a medicinal drug than it actually contains is prima facie injurious and potentially dangerous. That might not be so with a mixture of foods. It could certainly be argued with some reason that if the article contains nothing but a mixture of ordinary wholesome food substances as, for example, confectionery (see *French Silver Dragee* vs. *United States*), a false statement as to the relative proportions of sugar, chocolate, milk or butter contained in it would not be prima facie within the Act. Upon this point I express no opinion. I do, however, feel that with a drug which is sold to be prescribed by physicians, who should know with accuracy what size of doses they are giving, the rule is otherwise.

It may also be that there are some articles classified as drugs which are not intended to be so used and as to which an over or under statement would result in no possible harm. If thyroid were such a substance I have no doubt that evidence would have been produced by the defendant to show it. All that I hold here is that the prima facies are the other way.

Besides, I am by no means sure that there is not an element of commercial deception involved. I should think that physicians and others who buy drugs would feel that they were paying not only for purity of the ingredients but for an accurate and precise knowledge of their quantity. If a dealer, in order to save the expense of assaying his product, and at the same time escape liability for adulteration, includes an unascertained excess of it in the mixture he sells, the practice is not particularly commendable from a purely commercial standpoint.

For the reasons stated in this opinion I find a general verdict of Guilty.

Note: The case of *Breon Company* vs. *United States*, 74 Fed. (2d) 4, which has been much discussed at the trial and at the argument really has no bearing whatever upon the present case. The only point decided there was that the evidence was insufficient to establish beyond a reasonable doubt that there was an excess of thyroid in the tablets. In the present case the evidence is ample and persuasive beyond a reasonable doubt that there was such excess.

On February 1, 1937, the court imposed a fine of $10.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26954. Alleged misbranding of Pulvis Alkantis. U. S. v. 99 Packages of Pulvis Alkantis. Tried to the court. Judgment for claimant. (F. & D. no. 33538. Sample no. 4175–B.)

The label of this article bore representations regarding its curative or therapeutic effects that were alleged to be false and fraudulent.

On September 22, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 packages of Pulvis Alkantis at New Orleans, La., alleging that it had been shipped in interstate commerce on or about June 1 and July 2, 1934, by Lafayette Pharmacal, Inc., from Lafayette, Ind., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of magnesium carbonate and small proportions of bismuth subcarbonate, calcium carbonate, and cerium oxalate flavored with oil of peppermint.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, on the box labels were false and fraudulent: "A Symptomatic Treatment Gastric Ulcer—Acute Gastric Catarrh

Acute Enteritis * * * Reflex Vomiting Dosage Average dose: One teaspoonful in water, three times a day or more often if necessary. In acute attacks, dose may be doubled."

On December 14, 1936, the Lafayette Pharmacal Co., Inc., claimant, having filed an answer to the libel, and the cause having been tried to the court, a jury trial having been waived, judgment was entered against the United States.

The court made the following findings of fact and conclusions of law:

FINDINGS OF FACT

(1) Lafayette Pharmacal Inc., of Lafayette, Indiana, on or about the 1st day of June and the 2nd day of July, 1934, shipped and caused to be transported in interstate commerce for sale, from Lafayette in the State of Indiana, to McKesson, Parker, Blake Corporation in the City of New Orleans, State of Louisiana, via parcel post, ninety-nine (99) packages, more or less, of a certain article of drug labeled in part "Pulvis Alkantis."

(2) Thereafter, on September 22nd, 1934, a libel for the condemnation of said packages of Pulvis Alkantis was filed by the United States Attorney with the Clerk of this Court and ninety-two (92) packages so shipped and in possession of McKesson, Parker, Blake Corporation, New Orleans, Louisiana, in the original and unbroken packages, were seized by the United States Marshal and are now in the custody of this Court.

(3) The libel filed alleged that the product was an article of drugs within the meaning and intent of the Act of Congress approved June 30, 1906, known as the Food and Drugs Act and amendments thereof; that an analysis of the product showed that it consisted essentially of cerium oxalate and carbonates of bismuth, calcium, and magnesium, flavored with menthol; that the product was misbranded in violation of Section 8 of the act as amended, and Paragraph Third, in that certain statements on the box label regarding the curative and therapeutic effects of the article were false and fraudulent.

(4) The label on the packages seized by the Government reads in part as follows: "Pulvis Alkantis. A symptomatic treatment Gastric Ulcer Acute Gastric Catarrh Acute Enteritis Hyperacidity Reflex Vomiting Dosage Average dose: One teaspoonful in water, three times a day or more often if necessary. In acute attacks, dose may be doubled." The Government charged that this portion of the label is false and fraudulent, omitting, however, any complaint with reference to the word "hyperacidity."

(5) The law under which the Government's libel is brought is known as the Sherley Amendment to the Food and Drugs Act, being contained in 21 U. S. C. 10, which reads in part as follows: "* * * an article shall be deemed to be misbranded; * * * Drugs. In the case of drugs: * * * False statement of curative or therapeutic effect. 3rd. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false or fraudulent."

(6) Lafayette Pharmacal, Inc. appeared as claimant for the seized goods, admitting the shipment alleged by the United States that the article was a drug within the meaning and intent of the Food and Drugs Act and amendments thereof, and in general admitting the analysis proffered by the United States, but denying that the product was misbranded or that any of the statements on the box label were either false or fraudulent.

(7) The parties by a stipulation waived a jury and the case was tried before and submitted to this Court.

(8) The witnesses were in substantial accord regarding the analysis of the product Pulvis Alkantis, the drugs contained therein being bismuth subcarbonate, magnesium carbonate, precipitated calcium carbonate, and cerium oxalate, flavored with oil of peppermint.

(9) Cerium oxalate, a drug included in Pulvis Alkantis, is used by reputable members of the medical profession and recommended by writers of medical text books in the treatment of reflex vomiting; however, according to the preponderance of the testimony, the dosage required in order to have any curative or therapeutic effect in the treatment of reflex vomiting exceeds many times the amount of cerium oxalate in a dose of Pulvis Alkantis.

(10) Reflex vomiting is itself a symptom of certain diseases, therefore, it is false to say that Pulvis Alkantis is a symptomatic treatment for reflex vomiting.

(11) Some of the experts produced by plaintiff testified that they had prescribed Pulvis Alkantis.

(12) Lafayette Pharmacal, Inc. is a concern of high standing, with excellent commercial and professional connections; its President, who was present and testified at the trial, is an individual of high standing. The United States has no complaint to make except as to the specific language of the label as above set forth.

(13) The President of Lafayette Pharmacal, Inc., a graduate and registered pharmacist, recounted on the witness stand his conferences with various doctors in regard to the statements on the label, and his conclusion derived therefrom that no change in the wording of the label was required.

(14) The President of Lafayette Pharmacal, Inc. also described on the witness stand his company's policy of no exploitation to the laity, of no advertising of any character to the laity.

(15) The label complained of had been used by Lafayette Pharmacal, Inc. for twelve years. The United States, without lodging any complaint with Lafayette Pharmacal, Inc., and without any warning, had effected a prior seizure of Pulvis Alkantis and when Lafayette Pharmacal, Inc., discovered what was the complaint of the Food and Drug Administration, Lafayette Pharmacal, Inc. protesting that the label was in all respects correct, agreed to change it and accordingly the label was changed to one with respect to which the Food and Drug Administration declared it took no exception. The instant seizure was made after this had taken place. The President of Lafayette Pharmacal, Inc., explained the use of the old label on the seized shipment as the mistake of some employee at the factory of Lafayette Pharmacal, Inc., which explanation the Court accepts as correct.

CONCLUSIONS OF LAW

(1) In view of the foregoing Findings of Fact relative to reflex vomiting, the Court finds as a matter of law that the label is false. It is unnecessary for the Court to rule on the question of falsity. As to the other statements of the label, since the Court finds that where a label contains a list of ailments for which the drug is recommended, the charge of falsity is sustained by proof of the false character on any one of the chaims.

(2) In a case of this kind it is not sufficient to establish merely the falsity of the claim; it must also appear that this false claim was made fraudulently; that is, either the defendant knew it was false, or without knowledge of its truth or falsity, made the claim recklessly and without a firm and honest belief in its truth. In the instant case, no knowledge of falsity, recklessness of statements, or lack of a firm and honest belief in the truth of the label statement can be attributed to Lafayette Pharmacal, Inc., or its President, and the label statement, therefore, cannot be regarded as fraudulent.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26955. Misbranding of Witter Water. U. S. v. Witter Water, Inc. Plea of guilty. Fine, $100. (F. & D. no. 33808. Sample no. 33900–A.)

This case involved a mineral water the labeling of which bore false and fraudulent curative and therapeutic claims.

On March 29, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Witter Water, Inc., Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 30, 1932, from the State of California into the State of Illinois of a quantity of Witter Water that was misbranded. The article was labeled in part: "Natural Medicinal Witter Water * * * Bottled and Sealed at Witter Water Medical Springs, California."

Analysis showed that the article was an alkaline water containing per quart 177 grains of dissolved mineral matter consisting essentially of sodium, magnesium, and calcium bicarbonate, borax, sodium chloride, and small proportions of other salts commonly present in ground waters.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the bottle label and cartons and in an accompanying circular, falsely and fraudulently represented that it was effective to neutralize the excess acid of the stomach; to relieve the pain and distress of most acid stomach disorders; to give remarkable results in improving general health, and to build up health and vitality; effective to bring relief to sufferers of excess acid stomach disorders and severe cases of acid stomach, and to assist greatly in building better health and vitality; effective to supply the system with elements vitally neces-

sary to good health, to maintain health in the body, to eliminate carbon dioxide from the lungs, to keep the bones flexible and give elasticity to the muscles, to supply the blood with hemoglobin and thus carry life-giving oxygen to all parts of the body, to insure the proper mineral balance of the body, to increase the number of red corpuscles in the blood, to promote and regulate vital processes, to assist in protecting the body from infection, to remove waste material, to cleanse and heal and to nourish impoverished body cells upon which health depends; and effective as a treatment for stomach disorders, acidosis (lack of pep), anemia (poor blood), stomach ulcer, duodenal ulcer, colitis, enterocolitis, high blood pressure, rheumatism, obesity (overweight), and poor health.

On April 2, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26956. Adulteration of Dr. Lane's Quinine Capsules, Calomel & Soda Tablets, and Solution Mercurochrome. U. S. v. Cumberland Manufacturing Co., Inc. Plea of guilty. Fine, $200. (F. & D. no. 33961. Sample nos. 68530–A, 68531–A, 68532–A, 68546–A, 68548–A, 7505–B, 7507–B.)

Dr. Lane's Quinine Capsules differed from the standard of strength, quality, and purity for quinine as prescribed by the United States Pharmacopoeia in that they were not quinine but were in part quinine sulphate. The Calomel & Soda Tablets contained less than the quantity of sodium bicarbonate represented on the label, or none at all. The Solution Mercurochrome contained less than the proportion of Mercurochrome represented on the label.

On November 2, 1935, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cumberland Manufacturing Co., Inc., a corporation, Nashville, Tenn., charging shipment by said corporation in violation of the Food and Drugs Act, from the State of Tennessee into the State of Alabama on or about October 3 and 17, 1933, and February 7, 1934, of quantities of Dr. Lane's Quinine Capsules; on or about October 13, 1933, of a quantity of calomel and soda tablets; and on or about March 5 and August 23, 1934, and January 24, 1935, of quantities of Solution Mercurochrome, all of which were adulterated.

The article Dr. Lane's Quinine Capsules was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, in that it was not quinine as determined by said test, but was in part dehydrated quinine sulphate, and its standard of strength, quality, and purity was not declared on the container thereof. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented that each of the capsules contained 5 grains of quinine; whereas in fact each of the capsules contained no quinine, but did contain quinine sulphate.

The calomel and soda tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that each of the tablets was represented to contain 1 grain of sodium bicarbonate; whereas in fact each of the tablets contained little, if any, sodium bicarbonate.

The Solution Mercurochrome was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to contain 2 percent of Mercurochrome; whereas in fact it contained less than 2 percent of Mercurochrome.

On December 18, 1936, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $200.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26957. Adulteration and misbranding of Bismuth Subgallate Comp., Elixir Basham, C. C. T. Quinine Bisulphate, Tincture Aconite Root, U. S. P., Hypodermic Tablets Nitroglycerin, Hypodermic Tablets Strychnine Sulphate, Tincture Hyoscyamus, U. S. P., Fluid Extract Colchicum Seed, U. S. P., Compressed Tablets Cinchophen, Tablet Triturates Morphine Sulphate. U. S. v. The Tilden Co. Plea of guilty. Fine, $4,000. (F. & D. nos. 34092, 36979. Sample nos. 16877–B, 16887–B, 16889–B, 17408–B, 17411–B, 21432–B, 42209–B, 67858–A, 69660–A, 69666–A.)

The Elixir Basham, Tincture Aconite Root, U. S. P., Tincture Hyoscyamus, U. S. P., and Fluid Extract Colchicum Seed, U. S. P. differed from the stand-

ards prescribed for them in the United States Pharmacopoeia; the Bismuth Subgallate Comp., contained more bismuth subgallate than the quantity stated on the label, the C. C. T. Quinine Bisulphate, and the Tablet Triturates Morphine Sulphate contained greater quantities of the active principle of each than the quantity stated on the label; and the Hypodermic Tablets Nitroglycerin, the Compressed Tablets Cinchophen, and the Hypodermic Tablets Strychnine Sulphate contained smaller quantities of the active principle of each than the quantity stated on the label.

On May 5, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Tilden Co., New Lebanon, N. Y., charging shipment by said corporation in violation of the Food and Drugs Act, on or about March 23 and 27, April 5, August 30 and 31, October 11, and November 22, 1934, and August 12, 1935, from the State of New York into the State of New Jersey of a quantity each of articles labeled, "Bismuth Subgallate Comp.", "Elixir Basham", "C. C. T. Quinine Bisulphate", "Tincture Aconite Root, U. S. P.", "Hypodermic Tablets Nitroglycerin", "Hypodermic Tablets Strychnine Sulphate", "Tincture Hyoscyamus, U. S. P.", "Fuid Extract Colchicum Seed, U. S. P.", "Compressed Tablets Cinchophen", and "Tablet Triturates Morphine Sulphate", which were adulterated and misbranded.

The Bismuth Subgallate Comp. was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented that each fluid ounce of the article contained 8 grains of bismuth subgallate; whereas in fact each fluid ounce of the article contained more than 8 grains of bismuth subgallate, to wit, not less than 14.9 grains. Said article was alleged to be misbranded in that the statement, "Each fluid ounce contains: Bismuth subgallate 8 grs.", borne on the bottle label, was false and misleading in that it represented that each fluid ounce of the article contained 8 grains of bismuth subgallate; whereas in fact each fluid ounce of the article contained more than 8 grains of bismuth subgallate.

The Elixir Basham was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity, as determined by the test laid down in said pharmacopoeia, in that 100 cubic centimeters of the article yielded more than 0.8 gram to wit, not less than 1.29 grams of ammonia; whereas said pharmacopoeia provided that Basham's mixture should yield not more than 0.8 gram of ammonia per 100 centimeters; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Said article was alleged to be adulterated further in that it fell below the professed standard and quality under which it was sold, in that it was represented to be Basham's mixture, that is, solution of iron and ammonium acetate, which conformed to the standard laid down in the United States Pharmacopoeia; whereas in fact the article was not Basham's mixture, that is, a solution of iron and ammonium acetate that conformed to the standard laid down in said pharmacopoeia. Said article was alleged to be misbranded in that the statement "Elixir Basham For Making Basham's Mixture, U. S. P.", borne on the bottle labels, was false and misleading in that it represented that the article was Basham's mixture, that is, a solution of iron and ammonium acetate that conformed to the standard laid down in the United States Pharmacopoeia; whereas in fact it was not Basham's mixture, that is, a solution of iron and ammonium acetate that conformed to the standard laid down in said pharmacopoeia.

C. C. T. Quinine Bisulphate, in the form of tablets, was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each of the tablets was represented to contain 3 grains of quinine bisulphate; whereas in fact each of the tablets contained more than 3 grains of quinine bisulphate to wit, not less than 4.01 grains. Said article was alleged to be misbranded in that the statement, "C. C. T. Quinine Bisulphate", borne on the bottle labels, was false and misleading in that it represented that each of the tablets contained 3 grains of quinine bisulphate; whereas in fact each of the tablets contained more than 3 grains of quinine bisulphate.

The Tincture Aconite Root, U. S. P. was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, in that the article,

when administered subcutaneously to guinea pigs, had a minimum lethal dose of not less than 0.0012 cubic centimeter for each gram of body weight of guinea pig; whereas said pharmacopoeia provided that tincture of aconite when administered subcutaneously to guinea pigs, should have a minimum lethal dose of not more than 0.00045 cubic centimeter for each gram of body weight of guinea pig; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be tincture aconite root that conformed to the standard laid down in the United States Pharmacopoeia; whereas in fact it was not tincture aconite root that conformed to the standard laid down in said pharmacopoeia. Said article was alleged to be misbranded in that the statement "Tincture Aconite Root, U. S. P.", borne on the bottle labels, was false and misleading in that it represented that the article was tincture aconite root that conformed to the standard laid down in the United States Pharmacopoeia; whereas in fact the article was not tincture aconite root that conformed to the standard laid down in said pharmacopoeia.

The Hypodermic Tablets Nitroglycerin were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that each of the tablets was represented to contain 1/50 grain of nitroglycerin; whereas in fact each of the tablets contained less than 1/50 grain of nitroglycerin, to wit, approximately 1/80 grain. Said article was alleged to be misbranded in that the statement, "Tablets Nitroglycerin 1/50 Gr.", borne on the bottle labels, was false and misleading in that each of the tablets was represented to contain 1/50 grain of nitroglycerin; whereas in fact each of the tablets contained less than 1/50 grain of nitroglycerin.

The Hypodermic Tablets Strychnine Sulphate were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that each of the tablets was represented to contain 1/30 grain of strychnine sulphate; whereas in fact each of the tablets contained less than 1/30 grain of strychnine sulphate, to wit, approximately 1/35 grain. Said article was alleged to be misbranded in that the statement, "Tablets Strychnine Sulphate 1/30 Gr.", borne on the bottle labels, was false and misleading in that it represented that each of the tablets contained 1/30 grain of strychnine sulphate; whereas in fact each of the tablets contained less than 1/30 grain of strychnine sulphate.

The Tincture Hyoscyamus, U. S. P. was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, in that 100 cubic centimeters of the article yielded not less than 0.0103 gram of the alkaloids of hyoscyamus; whereas said pharmacopoeia provided that tincture of hyoscyamus should yield from each 100 cubic centimeters not more than 0.0075 gram of the alkaloids of hyoscyamus; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented that the article was tincture of hyoscyamus that conformed to the standard laid down in the United States Pharmacopoeia, and that each 100 cubic centimeters of the article contained 0.007 gram of alkaloids; whereas in fact the article was not tincture of hyoscyamus that conformed to the standard laid down in the United States Pharmacopoeia, and each 100 cubic centimeters of the article contained more than 0.007 gram of alkaloids, to wit, not less than 0.0103 gram. Said article was alleged to be misbranded in that the statement, "Tincture Hyoscyamus, U. S. P. * * * Each 100 Cc. contains 0.007 Gm. alkaloids", borne on the bottle labels, was false and misleading in that it represented that the article was tincture of hyoscyamus, that conformed to the standard laid down in the United States Pharmacopoeia, and that each 100 cubic centimeters of the article contained 0.007 gram of alkaloids; whereas in fact the article was not tincture of hyoscyamus that conformed to the standard laid down in the United States Pharmacopoeia and each 100 cubic centimeters of the article contained not less than 0.0103 gram of alkaloids.

The Fluid Extract Colchicum Seed, U. S. P. was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as

determined by the test laid down in said pharmocopoeia in that it yielded per 100 cubic centimeters not more than 0.196 gram of colchicine; whereas said pharmacopoeia provided that fluidextract of colchicum should yield not less than 0.36 gram of colchicine per 100 cubic centimeters; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to be fluidextract of colchicum seed that conformed to the standard laid down in the United States Pharmacopoeia, to contain 60 percent of alcohol, and to contain in each 100 cubic centimeters 0.4 gram of colchicine; whereas in fact it was not fluidextract of colchicum seed that conformed to the standard laid down in the United States Pharmacopoeia, it contained not more than 51.5 percent of alcohol, and in each 100 cubic centimeters it contained not more than 0.196 gram of colchicine. Said article was alleged to be misbranded in that the statement, "Fluid Extract Colchicum Seed, U. S. P. Alcohol 60 per cent. * * * Each 100 Cc. contains 0.4 Gm. Colchicine", borne on the bottle labels, was false and misleading in that the article was represented to be fluidextract of colchicum seed that conformed to the standard laid down in the United States Pharmacopoeia, that it contained 60 percent of alcohol, and that it contained in each 100 cubic centimeters 0.4 gram of colchicine; whereas in fact the article was not fluidextract of colchicum seed that conformed to the standard laid down in the United States Pharmacopoeia, it contained not more than 51.5 percent of alcohol, and in 100 cubic centimeters it contained not more than 0.196 gram of colchicine. Misbranding was alleged further in that the article contained alcohol, and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

The Compressed Tablets Cinchophen were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that each of the tablets was represented to contain 5 grains of cinchophen, whereas in fact each of the tablets contained less than 5 grains of cinchophen, to wit, not more than 4.34 grains. Said article was alleged to be misbranded in that the statement "Compressed Tablets Cinchophen * * * 5 Grains," borne on the bottle labels, was false and misleading in that it represented that each of the tablets contained 5 grains of cinchophen; whereas in fact each of the tablets contained less than 5 grains of cinchophen.

The Tablet Triturates Morphine Sulphate was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each of the tablets was represented to contain 1/10 grain of morphine sulphate; whereas in fact each of the tablets contained more than 1/10 grain of morphine sulphate, to wit, not less than 1/8 grain. Said article was alleged to be misbranded in that the statement, "Tablet * * * Morphine Sulphate 1/10 Gr.", borne on the bottle labels, was false and misleading in that each of the tablets was represented to contain 1/10 grain of morphine sulphate; whereas in fact each of the tablets contained more than 1/10 grain of morphine sulphate, to wit, not less than 1/8 grain.

On June 29, 1936, the defendant corporation entered a plea of guilty and the court imposed a fine of $4,000.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26958. Misbranding of Dr. J. W. White's Herb Tonic Compound. U. S. v. John W. White (White's Herb Manufacturing & Remedy Co.). Jury trial. Verdict of guilty. Fine, $300; sentence of 6 months' imprisonment suspended during 5 years' probation. (F. & D. no. 35979. Sample no. 27888–B.)

The labels of this product bore false and fraudulent curative and therapeutic claims.

On September 30, 1935, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John W. White, trading as Dr. J. W. White, proprietor of White's Herb Manufacturing & Remedy Co., Bessemer, Ala., charging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about April 4, 1935, from the State of Alabama into the State of Arkansas of a quantity of Dr. J. W. White's Herb Tonic Compound that was misbranded.

Analysis of the article showed that it consisted essentially of extracts of plant drugs, alcohol (less than 0.1 percent), and water.

The article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the bottle labels, falsely and fraudu-

lently represented that it would be effective as a tonic and system purifier and to insure a good, clean, healthy system; and that it would be useful in stomach complaints and liver and kidney ailments.

On September 30, 1936, after trial, the jury returned a verdict of guilty and the court imposed a fine of $300 and a sentence of 6 months' imprisonment, but suspended the sentence of imprisonment pending 5 years' probation.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26959. Misbranding of Curarina De Juan Salas Nieto. U. S. v. Richard Diener (Curarina Agency). Plea of guilty. Fine, $480. (F. & D. no. 35989. Sample nos. 19601–B, 19801–B, 20465–B, 24014–B, 25270–B, 25543–B, 25916–B, 25918–B.)

The bottle and carton labels of this product and a booklet and a circular enclosed in the cartons, bore and contained false and fraudulent representations regarding its curative and therapeutic effects. It contained alcohol, and the package label failed to bear a statement of the quantity or proportion of alcohol contained in it.

On March 26, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Richard Diener, trading as Curarina Agency, Oxnard, Calif., charging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about November 8, 9, and 10 and December 3 and 5, 1934, from the State of California into the States of Illinois, Pennsylvania, Idaho, Massachusetts, and Ohio of quantities of an article, labeled "Curarina De Juan Salas Nieto", which was misbranded.

Analyses of the article showed that it was essentially a water-alcohol solution of drug extractives, containing alcohol (about 33 and 34 percent by volume), solids (1.4 gram per 100 cubic centimeters), ash (0.2 and 0.26 gram per 100 cubic centimeters), and traces of resin, saponin-like glucosides, and alkaloids.

The article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, on the bottle and carton labels and in an accompanying booklet and circular, falsely and fraudulently represented that it would be effective as a specific in treating poisons, fevers, and many other ailments; effective as a treatment, remedy, and cure for all diseases of the blood, heart trouble, sciatica, sinus trouble, rheumatism, blood poisoning, poison snake and insect bites, mumps, malaria fever, sores, disorders of the body, rheumatism in its many forms, diabetes, 80 percent of all other ailments, spider sting, angina pectoris and hopeless cases thereof, high blood pressure, hardening of the arteries, pneumonia, typhoid fever, smallpox, sore throat, tonsillitis, influenza, grippe, lung and other bodily disorders, tetanus, animal poisons, bites of spiders, snakes and mad dogs and stings or scorpions, centipedes, stingarees, wasps, and giant white ants, malaria, yellow fever, black vomit, cholera and diarrhea accompanied by vomiting and cramps, miasmatic fevers, cholera, hemorrhages, wounds and bleeding, nasal hemorrhages, female hemorrhages, affections of the stomach, lientery, appendicitis, general debility, stomach and intestinal disorders, distemper in dogs and other animals, swollen throat, ptomaine poisoning, heart disease, kidney trouble, swollen ankles and severe sick headaches, arthritis, stomach trouble, and run-down condition; effective to build up the whole system, to build up the glands, to prevent apoplexy strokes, to prevent blood poisoning, and to kill germs in the blood stream; effective as the best health insurance and as a tonic; and effective to prevent illness by restoring activity to the glands, and to render the worst animal or insect sting absolutely harmless to the body.

The article was alleged to be misbranded further in that it contained alcohol and the label on the package failed to bear a plain and conspicuous statement of the quantity or proportion of alcohol contained therein.

On December 12, 1936, the defendant entered a plea of guilty and on December 28, 1936, the court imposed a fine of $480.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26960. Misbranding of Dexene. U. S. v. 22 Bottles of Dexene. Default decree of condemnation and destruction. (F. & D. no. 36791. Sample no. 49135–B.)

The label of this preparation bore false and fraudulent representations regarding its curative and therapeutic effect.

On December 18, 1935, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 bottles of Dexene at Jetmore,

Kans., alleging that it had been shipped in interstate commerce on or about September 6, 1935, by the Sanovapor Laboratories from Huntington, W. Va., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of sulphur dioxide (¼ percent) and water (99¾ percent).

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effect, borne on the label, falsely and fraudulently represented that it would be effective when used as directed in conjunction with the diet recommended, as a treatment for diabetes: "Dexene Reg. U. S. Pat. Off. A therapeutic * * * agent * * * Diet 5% Vegetables:—String Beans, Spinach, Kale, Lettuce, Cucumbers, Onions, Tomatoes, Asparagus, Cresses, Mushrooms, Celery, Radishes, Olives, Pickles, Cabbage, Cauliflower, Endive, Sauerkraut, Beet Greens, Dandelion Greens, Okra. Soups, Broths, Beef, Mutton, Veal, Ham, Bacon, Eggs, Fish and Shell-Fish, Cream Cheese. Directions—Sanovapor Dexene Take 4 tablespoons (2 oz.) * * * Dexene 40 minutes before each meal and at bed time. Gradually increase the dose until 6 tablespoons (3 oz.) are taken at each dose. If large Dose of * * * Dexene Agree with Patient. Its Effects are More Rapid. Abstain from all sweets and starches. Abstain from All Fruits—raw or cooked, Sweet Milk, Buttermilk, Cereals, Peas, Beets, Turnips, Carrots, Parsnips, Rhubarb, Irish Potatoes, Sweet Potatoes, Macaroni, Spaghetti or Noodles. Prepared by the Sanovapor Laboratories, Inc."

On April 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26961. Adulteration and misbranding of Papine. U. S. v. 35 Bottles of Papine. Default decree of condemnation and destruction. (F. & D. no. 36872. Sample no. 32447–B.)

This product contained morphine and chloral hydrate in proportions less than those stated on the label.

On December 26, 1935, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 bottles of Papine at Memphis, Tenn., alleging that it had been shipped in interstate commerce on or about November 15, 1935, by Battle & Co., from St. Louis, Mo., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Morphine 1 Gr. Per. Oz. Chloral Hydrate 2⅒ Gr. Per Oz."

It was alleged to be misbranded in that the statement on the label, "Morphine 1 Gr. per Oz., Chloral Hydrate 2⅒ Gr. Per Oz.", was false and misleading.

On June 3, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26962. Misbranding of Alcothol-Rub. U. S. v. 113 Bottles of Alcothol-Rub. Default decree of condemnation and destruction. (F. & D. no. 36923. Sample. no. 50470–B.)

This product was represented on the label to consist essentially of alcohol and to be endorsed by the medical profession; when it consisted largely of water and a small proportion (2.1 percent) of isopropyl alcohol, it had not been endorsed by the medical profession, and the label failed to bear a statement of the quantity or proportion of isopropyl alcohol that it contained.

On January 9, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 113 bottles of Alcothol-Rub at Newark, N. J., alleging that it had been shipped in interstate commerce on or about October 19, 1935, by Fallis, Inc., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement, "Alcothol-Rub * * * Endorsed by the Medical Profession", borne on the bottle labels, represented that it consisted essentially of alcohol, and that the medical profession as a whole had endorsed it; when in fact the article consisted largely of water with but a small proportion of isopropyl alcohol, and the

medical profession had not given it such endorsement. It was alleged to be misbranded further in that the package failed to bear on its label a statement of the quantity or proportion of isopropyl alcohol contained therein.

On February 7, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26963. Adulteration and misbranding of M. Edouard's B. Acidophilus Compound. U. S. v. Zoltan Hubay (. Hubay). Plea of guilty. Fine, $150. (F. & D. no. 36985. Sample no. 33038–B.)

The package label of this article bore false and fraudulent curative and therapeutic claims; and representations that it was a *Bacillus acidophilus* compound, that it contained dextrin, kelp, and 16 chemicals and 32 organic minerals that the body is composed of, that it was not a purgative, a cathartic, nor a physic, and that it furnished an unbroken chain of vitamins which is so necessary to perfect health, all of which were false and misleading.

On February 2, 1937, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Zolton Hubay, trading as Z. Hubay, Memphis, Tenn., charging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about August 12, 1935, from the State of Tennessee into the State of Missouri of a quantity of M. Edouard's B. Acidophilus Compound that was adulterated and misbranded.

The article was labeled in part: (Package) "M. Edouard's B. Acidophilus Compound. A thoroughly scientific blend of the finest grades of psyllium, psylla, Japanese Agar Agar, Lactose, Dextrine, Cerea (Kelp which contains vitamins A, B, D, E, F, and G, and 16 chemicals, 32 organic minerals that the body is composed of), and other valuable food ingredients. * * * M. Edouard's B. Acidophilus Compound Edouard Diet System and B. Acidophilus Compound, a new scientific discovery, has and is being used with success. It is carefully given and designed for the following purposes: 1. To remove excessive infective Organisms from the large intestines. 2. To prevent toxic absorption. 3. To change the Intestinal Flora. 4. To introduce Living B. Acidolphilus into the large intestines to prevent the growth of the infective types. 5. To stimulate the growth of the Native B. Acidophilus by introducing Lactose (milk sugar). 6. To draw moisture into the large intestines, which allows them to return to their normal softness. 7. To re-mineralize the body and furnish that unbroken chain of vitamins which is so necessary to perfect health. General Directions To Be Followed While Taking Diet, And B. Acidophilus Compound. Portion for Adults—Take 1 teaspoonful of Edouard's Compound before each meal, and 2 teaspoonfuls before retiring, each dose followed by a glass of water. For best results eat upon empty stomach before retiring. (Can be taken with glass of buttermilk, orange juice, or sweet milk.) Edouard B. Acidophilus is an anti-acid accessory food providing bulk and lubrication to promote and restore the natural activity of the digestive and eliminative organs. * * * Not a Purgative Not a Cathartic Not a Physic."

Analysis of the article showed that it consisted essentially of agar agar, psyllium seed, yeast, starch, mold, milk sugar, and phenolphthalein (3 grains for 5 teaspoonfuls); that no kelp nor dextrin was present; and that it contained no vitamin C. Bacteriological test showed that it contained no viable *Bacillus acidophilus.*

The article was alleged to be misbranded in that the statements regarding its curative or therapeutic effects, bore on the package labels, falsely and fraudulently represented that it would be effective to remove excessive infective organisms from the large intestines, to prevent toxic absorption; to change the intestinal flora, to introduce living *Bacillus acidophilus* into the large intestines to prevent the growth of the infective types; to stimulate the growth of the native *B. acidophilus,* to cause the return of normal softness to the large intestines, to remineralize the body, to furnish an unbroken chain of vitamins and to insure perfect health; effective as an anti-acid accessory food; and effective to promote and restore the natural activity of the digestive and eliminative organs.

The article was alleged to be misbranded further in that the statements, "M. Edouard's B. Acidophilus Compound", "Edouard Diet System and B. Acidophilus Compound", "Dextrine, (Kelp which contains vitamins A, B, D, E,

F, and G, and 16 chemicals, 32 organic minerals that the body is composed of)", "Not a Purgative Not a Cathartic Not a Physic", and "furnish that unbroken chain of vitamins, which is so necessary to perfect health", borne on the package labels, were false and misleading in that they represented that the article was *Bacillus acidophilus* compound; that it contained dextrin, and kelp which included vitamins A, B, D, E, F, and G, and 16 chemicals and 32 organic minerals that the body is composed of, that it was not a purgative, a cathartic, nor a physic, and that it would furnish an unbroken chain of vitamins which is so necessary to perfect health; whereas in fact the article was not *Bacillus acidophilus* compound, since it contained no *Bacillus acidophilus*, it contained no dextrin, no kelp which included vitamins A, B, D, E, F, and G, and 16 chemicals and 32 organic minerals that the body is composed of, it was a purgative, was a cathartic, and was a physic, and would not furnish an unbroken chain of vitamins which is so necessary to perfect health.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented that the article was *Bacillus acidophilus* compound which contained dextrin, kelp, and 16 chemicals and 32 organic minerals that the body is composed of, and that the article was not a purgative, was not a cathartic, and was not a physic, and that the article furnished an unbroken chain of vitamins which is so necessary to perfect health; whereas in fact the article contained no *Bacillus acidophilus*, no dextrin, and no kelp, and did not contain 16 chemicals and 32 organic minerals that the body is composed of, did contain an excessive number of viable molds, and did contain a cathartic drug, namely, phenolphthalein, and the article was a purgative and was a physic, and would not furnish an unbroken chain of vitamins which is so necessary to perfect health.

On February 5, 1937, the defendant entered a plea of guilty and the court imposed a fine of $150.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26964. Adulteration and misbranding of Firstaid Readymade Bandage with Mercurochrome. U. S. v. 1,440 Boxes of Firstaid Readymade Bandage with Mercurochrome. Consent decree of condemnation and destruction. (F. & D. no. 37889. Sample no. 72820–B.)

This article was represented on the label to be sterile, when it was not sterile, but contained putrefactive anaerobic, spore-forming bacilli.

On July 14, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,440 boxes of Firstaid Readymade Bandage with Mercurochrome at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 15, 1936, by the Seamless Rubber Co., from New Haven, Conn., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard and quality under which it was sold, namely, "Sterile dressing for applying to cuts, burns, slight wounds, etc.", in that it was not sterile, but did contain putrefactive anaerobic, spore-forming bacilli.

It was alleged to be misbranded in that the statement "Sterile dressing for applying to cuts, burns, slight wounds, etc.", appearing on the label, was false and misleading in that the article was not sterile, but did contain putrefactive anaerobic, spore-forming bacilli.

On December 16, 1936, the United Drug Co., of Boston, Mass., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26965. Misbranding of Tricasco. U. S. v. Tricasco Laboratories and Herman Smidler. Pleas of guilty. Fine, $25 and costs. (F. & D. no. 37944. Sample nos. 55856–B, 55864–B.)

The labeling of this drug preparation bore false and fraudulent curative and therapeutic claims.

On November 19, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Tricasco Laboratories, of Chicago, Ill.,

and Herman Smidler, president of said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about February 25 and March 16, 1936, from the State of Illinois into the State of Michigan of quantities of Tricasco that was misbranded.

Analysis showed that the article consisted essentially of extracts of plant drugs including licorice and an emodin-bearing drug, sugar, and water.

The article was alleged to be misbranded in that certain statements regarding its curative and therapeutic effects, borne on the cartons and contained in circulars shipped therewith, falsely and fraudulently represented that it was effective (carton) as a treatment for run-down condition and various other ailments detrimental to health; effective as a system cleanser and tonic for every member of the family; effective to cure disease; (circular, one shipment) effective as a treatment, remedy, and cure for sick headache, loss of sleep, dizziness, weak eyes, biliousness, gallstones, gravel, gall-bladder infections, liver complaints, faulty nutrition, bile disorders, stomach trouble, indigestion, catarrh of the stomach, sour stomach, acid stomach, ulcers of stomach, loss of appetite, offensive breath, eruptions on skin, boils and pimples, coughs, grippe, consumption, pneumonia, heartburn, nervousness, palpitation of the heart, muscular aches, leg pains, pains, neuralgia, rheumatism, intestinal trouble, gas pains, sciatica, gout, lumbago, colitis, auto-intoxication, chronic headache, nervous irritability, sleeplessness, lack of energy, loss of weight, frequent melancholia, inflammation of the colon, atonic constipation, bloated, torpid liver, spastic constipation, pains and aches all over the body, neuritis, arthritis, uric acid in the blood, kidney disorders, pains in back, bladder trouble, painful urination, frequent urination, getting up nights, asthma, skin diseases, coughs, la grippe, impure blood, piles, hemorrhoids, fistula, tired feeling, loss of energy, general run-down system, bladder disorders, pain in the region of the kidneys; and effective as a preventive of piles; effective to bring back resistance to disease, to eliminate poisons, acids, and accumulated impurities from the body, and to bring health and happiness; effective to prevent painful diseases; was positive in action and permanent in effect; effective as a treatment for ailments of the thyroid gland, vena cava, lungs, heart, auricle, diaphragm, liver, gall bladder, stomach, spleen, kidneys, transverse colon, ascending colon, intestines, descending colon, and bladder; effective to cleanse the stomach, liver, kidneys, bladder, and bowels of accumulated impurities; effective to enrich and build up the blood and to invigorate and renovate the whole system; effective to get at the cause of constipation; and effective to prevent and cleanse toxic (poisonous) conditions in the body cells, and to act upon the entire intestinal tract and help build up the entire alimentary canal. (A circular in the other shipment contained similar claims and further claims that the article was effective in the treatment of rheumatic pains, torticollis (wry-neck), pleurodynia, inflammatory rheumatism, rheumatic fever, sinus trouble, middle-ear diseases, disease of the mastoid, influenza, and pleurisy, and to build up vitality and to prevent the serious complications which often follow a cold.)

On January 4, 1937, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of $25 and costs as to both defendants.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26966. Adulteration and misbranding of chamomile flowers and tincture of arnica; misbranding of olive oil. U. S. v. Harlow B. Boyle and Charles E. Boyle (Boyle & Co.). Pleas of guilty. Fine, $300. (F. & D. no. 37947. Sample nos. 59485–B, 59492–B, 59495–B.)

The chamomile flowers were represented on the label as a drug recognized in the United States Pharmacopoeia, when chamomile was not recognized in the pharmacopoeia; and they also differed from the standard for chamomile in the National Formulary. The tincture of arnica differed from the standard prescribed for such article in the National Formulary in that it contained less than the required proportion of alcohol, and it also contained alcohol in a proportion less than that represented on the label. The quantity of contents of the bottles of the olive oil was less than 1 pint (16 fluid ounces) represented on the label, namely, not more than 14.65 fluid ounces.

On November 21, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harlow B. Boyle and Charles E. Boyle, trading as Boyle & Co., Los Angeles, Calif., charging shipment by said defendants in violation of the Food and Drugs Act, from the State of California

into the State of Arizona on or about January 16, 1936, of a quantity each of chamomile flowers and of tincture of arnica that were adulterated and misbranded, and on or about April 29, 1936, of a quantity of olive oil that was misbranded.

The chamomile flowers were alleged to be adulterated in that they were sold under and by a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down in said formulary in that they yielded not less than 5 percent of acid-insoluble ash; whereas said formulary provided that chamomile, that is, chamomile flowers, should yield not more than 4 percent of acid-insoluble ash, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Said article was alleged to be misbranded in that the statement "Chamomile Flowers U. S. P.", borne on the label, was false and misleading in that it represented that the article was a drug recognized in the United States Pharmacopoeia; whereas in fact it was not a drug recognized in said pharmacopoeia.

The tincture of arnica was alleged to be adulterated in that it was sold under and by a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down in said formulary in that it contained not more than 22 percent of alcohol; whereas said formulary provided that tincture of arnica should contain not less than 35 percent of alcohol, and the standard of strength, quality, and purity of the article was not declared on the container thereof. It was alleged to be adulterated further in that its strength, quality, and purity fell below the professed standard and quality under which it was sold in that it was represented to contain 45 percent of alcohol; whereas in fact the article contained not more than 22 percent of alcohol. Said article was alleged to be misbranded in that the statement "Alcohol 45%", borne on the bottle labels, was false and misleading. Said article was alleged to be misbranded further in that it contained alcohol, and the label on the package failed to bear a statement of the quantity or proportion of alcohol contained in the article.

The olive oil was alleged to be misbranded in that the statement "1 Pint", borne on the bottle labels, was false and misleading in that it represented that each of the bottles contained 1 pint of the article; whereas in fact each of the bottles contained less than 1 pint of the article. It was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 28, 1936, the defendants entered pleas of guilty and the court imposed a fine of $300.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26967. Adulteration and misbranding of Tablets Barbital, Tablets Morphine Sulphate, and Tablets Strychnine Sulphate. U. S. v. Hoosier Pharmacal Co. Plea of guilty. Fine, $25. (F. & D. no. 37974. Sample nos. 56112–B, 56114–B, 56118–B.)

The barbital tablets, the morphine sulphate tablets, and the strychnine sulphate tablets contained less barbital, less morphine sulphate, and less strychnine sulphate, respectively, than the quantity stated on the labels.

On December 2, 1936, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hoosier Pharmacal Co., Indianapolis, Ind., charging shipment by said corporation in violation of the Food and Drugs Act, on or about January 29, 1936, from the State of Indiana into the State of Ohio of quantities of articles labeled "Tablets Barbital", "Tablets Morphine Sulphate", and "Tablets Strychnine Sulphate", each of which was adulterated and misbranded.

The article Tablets Barbital was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that each of the tablets was represented to contain 5 grains of barbital; whereas in fact each of the tablets contained not more than 4.09 grains of barbital. Said article was alleged to be misbranded in that the statement "Tablets Barbital * * * 5 grains", borne on the label, was false and misleading in that each of the tablets contained less than 5 grains of barbital.

The article Tablets Morphine Sulphate was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under

which it was sold in that each of the tablets was represented to contain ¼ grain of morphine sulphate; whereas in fact each of the tablets contained not more than 2/9 grain of morphine sulphate. Said article was alleged to be misbranded in that the statement, "Tablets Morphine Sulphate ¼ gr.", borne on the label, was false and misleading in that each of the tablets contained less than ¼ grain of morphine sulphate.

The article Tablets Strychnine Sulphate was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that each of the tablets was represented to contain 1/60 grain of strychnine sulphate; whereas in fact each of the tablets contained not more than 1/67 grain of strychnine sulphate. Said article was alleged to be misbranded in that the statement "Tablets Strychnine Sulphate 1/60 gr.", borne on the label, was false and misleading in that each of the tablets contained less than 1/60 of a grain of strychnine sulphate.

On December 22, 1936, a plea of guilty was entered on behalf of the defendant corporation, and the court imposed a fine of $25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26968. Misbranding of Curarina De Juan Salas Nieto. U. S. v. Richard Diener (Curarina Agency). Plea of guilty. Fine, $40. (F. & D. no. 37989. Sample no. 43856–B.)

The bottle label, carton, and a booklet enclosed in the cartons bore and contained false and fraudulent representations regarding the curative and therapeutic effects of this article.

On September 25, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Richard Diener, trading as Curarina Agency, Oxnard, Calif., charging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 23, 1936, from the State of California into the State of Massachusetts of a quantity of an article labeled "Curarina De Juan Salas Nieto" that was misbranded.

Analysis of the article showed that it was essentially a water-alcohol solution of drug extractives containing alcohol (about 31.5 percent by volume), solids (about 1.0 gram per cubic centimeter), ash (0.27 gram per 100 cubic centimeters), and traces of resin, sapon-like glucosides, and alkaloids.

The article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, on the bottle labels and cartons and in a booklet enclosed in the cartons, falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for sciatica, affections of the sciatic nerve, rheumatism, blood poisoning, insect bites, mumps, malaria fever, cuts, sores, disorders of the body, arthritis, neuritis, rheumatism in its many forms, rheumatism in the legs, back, and ankles, pain in the right side of the abdomen, diabetes, diabetic trouble, 80 percent of all other ailments, tonsillitis, colitis, colds, grippe, lung and other bodily disorders, pneumonia, influenza, flu, whooping cough, tetanus, high blood pressure, blood pressure, animal poisons, bites of black widow spiders, snakes, and mad dogs, and stings of scorpions, centipedes, stingarees, wasps, enormous silver-white ants, spiders, and bees, miasmatic fevers, malaria, typhoid fever, yellow fever, high fever, smallpox, black vomit, hemorrhages, wounds, and bleeding, nasal hemorrhages, female hemorrhages, affections of the stomach, lientery, appendicitis, stomach trouble, run-down condition, distemper in animals, trench mouth, swollen throat, swollen ankles, kidney trouble, severe sick headaches, ptomaine poisoning, Primula poisoning, carbon monoxide poisoning, poison oak or ivy, yellow jaundice, skin infection and eczema in dogs; effective to make the worst animal or insect sting absolutely harmless to the body; effective to restore to normal health one who is affected with angina pectoris, angina spasms, anginal pains, heart disease, heart diseases, enlargement of the heart, arterio sclerosis, systolic murmur and booming, heart ailments, sharp pains in the heart, dull, aching pains in the heart, weak valve in the heart, and other heart trouble; effective as a treatment for ailments of the nervous system; and effective to kill germs in the blood stream, as a tonic, to reduce the pain and stop the progress of cancer, to tone up the whole system, and to keep one in perfect health.

On December 12, 1936, the defendant entered a plea of guilty and December 28, 1936, the court imposed a fine of $40.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26969. Misbranding of witch hazel; adulteration and misbranding of rubbing alcohol compound. U. S. v. Fallis, Inc., and William S. Spero and Herman Arkus. Pleas of guilty. Fine, $200. (F. & D. no. 37993. Sample nos. 44028–B, 44029–B, 44030–B, 44035–B, 46136–B, 46137–B, 50470–B.)

The bottle labels of the witch hazel bore false and fraudulent representations regarding its curative and therapeutic effects. The rubbing alcohol compound, represented on the label to consist essentially of ethyl alcohol and to be endorsed by the medical profession, contained isopropyl alcohol but no ethyl alcohol, and was not endorsed by the medical profession.

On November 6, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Fallis, Inc., and William S. Spero and Herman Arkus, officers of said corporation, New York, N. Y., charging shipment by said defendants in violation of the Food and Drugs Act, from the State of New York on or about October 26, 1935, into the State of Massachusetts of a quantity of witch hazel that was misbranded; and on or about October 26 and 29 and November 27, 1935, into the States of Massachusetts and California of quantities of an article labeled rubbing alcohol compound that was adulterated and misbranded.

The witch hazel was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the bottle labels, falsely and fraudulently represented that it would be effective as a relief and remedy for rheumatism and piles.

The rubbing alcohol compound was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented as rubbing alcohol compound that contained 70 percent by volume of ethyl alcohol; whereas in fact it was not rubbing alcohol compound that contained 70 percent by volume of ethyl alcohol, but contained approximately 2 percent by volume of isopropyl alcohol and did not contain any ethyl alcohol. Said article was alleged to be misbranded in that the statement "Rubbing Alcohol Compound Alcohol—70%" borne on the cartons, and the statement "Alcohol-Rub * * * Endorsed by the Medical Profession", borne on the bottle labels, were false and misleading in that they represented that it was rubbing alcohol compound containing 70 percent by volume of ethyl alcohol, that it was an alcohol rub, that is, a product containing 70 percent by volume of ethyl alcohol, and that it was endorsed by the medical profession; whereas in fact it was not rubbing alcohol compound containing 70 percent by volume of ethyl alcohol, it was not an alcohol rub, a product consisting essentially of ethyl alcohol, but was a product which contained about 2 percent of isopropyl alcohol and no ethyl alcohol, and it was not endorsed by the medical profession. Said article was alleged to be misbranded further in that it was a product which contained isopropyl alcohol and no alcohol, prepared in imitation of a product which should consist essentially of ethyl alcohol, and was offered for sale and sold under the name of another article, "Rubbing Alcohol Compound."

On December 28, 1936, pleas of guilty were entered by the defendants and the court imposed a fine of $200 on the defendant corporation.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26970. Adulteration and misbranding of Neurosine. U. S. v. Dios Chemical Co. Plea of nolo contendere. Fine, $500 and costs. (F. & D. no. 38043. Sample nos. 32437–B, 32448–B, 32462–B, 71601–B, 71602–B, 71603–B.)

The label of this product purported to state all of the active medicinal agents contained in the article, when it contained other active medicinal ingredients in addition to those represented. The article in certain shipments contained bromides of potassium, sodium, ammonium, and zinc in proportions less than those represented on the label.

On November 18, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Dios Chemical Co., St. Louis, Mo., charging shipment by said corporation in violation of the Food and Drugs Act, on or about November 15 and December 6, 1935, and January 2, 3, and 14, 1936, from the State of Missouri into the State of Tennessee of quantities of Neurosine which in the consignments of November 15 and December 6, 1935, was misbranded, and in the consignments of January 2, 3, and 14, 1936, was adulterated and misbranded.

The article in each of the six consignments was alleged to be misbranded in that the statement, "0.75 Gr. Per Oz. Each, Ext. Henbane and Fl. Ext. Bella-

donna .060 Gr. Per Oz. Oil Bitter Almonds .60 Gr. Per Oz. Fl. Ext. Cannabis Indica", borne on the label, was false and misleading in that it represented that the active medicinal agents of the article consisted of extract of henbane, fluidextract of belladonna, oil of bitter almonds, and fluidextract of cannabis indica; whereas in fact the article contained a large proportion of other active medicinal agents, namely, different bromides, not mentioned on the label.

The article in four of the six consignments was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each fluid ounce of the article was represented to contain 40 grains each of potassium bromide, sodium bromide, ammonium bromide, and 1 grain of zinc bromide; whereas in fact each fluid ounce of the article contained not more than 30.7 grains of potassium bromide, not more than 30.6 grains of sodium bromide, not more than 31 grains of ammonium bromide, and not more than 0.76 grain of zinc bromide.

On December 15, 1936, a plea of nolo contendere was entered on behalf of the defendant corporation and the court imposed a fine of $500 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26971. Adulteration and misbranding of glucose-calcium and solution epinephrin chloride. U. S. v. 1 Package of Glucose-Calcium Ampoules and 3 Packages of Solution Epinephrin Chloride Ampoules. Default decree of condemnation and destruction. (F. & D. nos. 38320, 38331. Sample nos. 75737–B, 4783–C.)

The glucose-calcium was not sterile, as represented on the label, since it contained viable yeasts; it contained calcium equivalent to less than 1 gram of calcium hydroxide in each 30 cubic centimeters, namely, calcium equivalent to 0.867 grain of calcium hydroxide in each 30 cubic centimeters. The epinephrin chloride had a potency of approximately 63 percent of that specified on the label.

On September 24, 1936, the United States attorney for the Southern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 package containing 6 ampoules of glucose-calcium and 3 packages containing 12 ampoules of epinephrin chloride at Decatur, Ill., alleging that the articles had been shipped in interstate commerce on or about March 9, 1936, by E. S. Miller Laboratories, Inc., from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The glucose-calcium was alleged to be adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely, "Sterile Solution * * * 30 c. c. contains Calcium equivalent to 1 gram of Calcium Hydroxide", since it was not sterile but contained viable yeasts and 30 cubic centimeters of the article did not contain calcium equivalent to 1 gram of calcium hydroxide but contained calcium equivalent to less than 1 gram of calcium hydroxide.

The epinephrin chloride was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, "Solution Epinephrin Chloride (1:1000)", since it had a potency of 63 percent of that claimed on the label.

Misbranding of the glucose-calcium was alleged in that the statements, "Sterile Solution" and "30 c. c. contains Calcium equivalent to one gram of Calcium-hydroxide", borne on the label, were false and misleading since the article was not sterile but contained viable yeasts and 30 cubic centimeters of the article contained calcium equivalent to less than 1 gram of calcium hydroxide.

Misbranding of the epinephrin chloride was alleged in that the statement "Solution Epinephrin Chloride (1:1000)" was false and misleading, since the article had a potency of 63 percent of that claimed.

On January 8, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26972. Misbranding of rubbing alcohol compound. U. S. v. 200 Dozen Bottles of Rubbing Alcohol Compound. Alco-Sponge-Rub Alcohol, and Dr. Ward's Rubbing Alcohol. Default decree of condemnation and destruction. (F. & D. no. 38336. Sample no. 13397–C.)

The articles labeled "Rubbing Alcohol Compound" and "Alco-Sponge-Rub Alcohol" consisted essentially of isopropyl alcohol and water; and the one labeled "Dr. Ward's Rubbing Alcohol" consisted essentially of isopropyl alcohol, acetone, and water. The package labels of all three failed to bear a statement of the quantity or proportion of isopropyl alcohol contained in the article.

On September 29, 1936, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 dozen bottles of an article, variously labeled "Rubbing Alcohol Compound", "Alco-Sponge-Rub Alcohol", and "Dr. Ward's Rubbing Alcohol", at Miami, Fla., alleging that it had been shipped in interstate commerce on or about November 16, 1935, by the Southern Mart from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act.

The article labeled "Rubbing Alcohol Compound" was alleged to be misbranded in that the statement "Rubbing Alcohol Compound", on the label, was false and misleading in that it represented that the article contained ordinary (ethyl) alcohol, when in fact it did not contain such ordinary (ethyl) alcohol, but was a mixture of isopropyl alcohol and water. Said article was alleged to be misbranded further in that the package failed to bear on its label a statement of the quantity or proportion of isopropyl alcohol contained therein, the statement "Isopropyl Alcohol 70 Proof" being meaningless.

The Alco-Sponge-Rub Alcohol was alleged to be misbranded in that the statement, "Alco-Sponge-Rub Alcohol * * * For Massaging, Sponging and Customary External Uses of Alcohol", on the label, was false and misleading in that it did not contain any ordinary (ethyl) alcohol, but consisted essentially of isopropyl alcohol and water. Said article was alleged to be misbranded further in that the package failed to bear on its label a statement of the quantity or proportion of isopropyl alcohol contained in the article, the statement "70 Proof Isopropyl" being meaningless.

Dr. Ward's Rubbing Alcohol was alleged to be misbranded in that the statement "Rubbing Alcohol", on the label, was false and misleading in that the article did not contain any ordinary (ethyl) alcohol, but consisted essentially of isopropyl alcohol, acetone, and water. Said article was alleged to be misbranded further in that it was an imitation of and was offered for sale under the name of another article, "Rubbing Alcohol." Said article was alleged to be misbranded further in that the package failed to bear on its label a statement of the quantity or proportion of isopropyl alcohol contained therein, the statement "70 Proof Isopropyl Alcohol" on the label being meaningless.

On December 11, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26973. Adulteration and misbranding of Ampacoid Estrogenic Hormone. U. S. v. 5 Packages of Ampacoid Estrogenic Hormone. Default decree of condemnation and destruction. (F. & D. no. 38389. Sample no. 6809–C.)

This drug had a potency of less than 3 percent of that claimed on the label.

On October 8, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five packages of Ampacoid Estrogenic Hormone at New Orleans, La., alleging that it had been shipped in interstate commerce on or about March 26 and May 22, 1935, by Reed & Carnrick from Jersey City, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold. "Ampacoid Estrogenic Hormone, 500 Rat Units Standardized by the vaginal smear method to contain 500 rat units in each CC", since it did not contain 500 rat units in each cubic centimeter but had a potency of less than 3 percent of that claimed.

It was alleged to be misbranded in that the following statements (carton, circular, ampoule, and ampoule carton) "Ampacoids Estrogenic Hormone 500 Rat Units", (ampoule carton only) "Standardized by the vaginal smear method to contain 500 rat units in each CC.", were false and misleading since the article did not contain 500 rat units, was not standardized by the vaginal smear method to contain 500 rat units in each cubic centimeter, but had a potency of less than 3 percent of that claimed.

On January 6, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26974. Misbranding of Arcady Roost Paint. U. S. v. Arcady Laboratories, Inc. Plea of guilty. Fine, $25 and costs. (F. & D. no. 38067. Sample no. 63129–B.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On October 30, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Arcady Laboratories, Inc., Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about August 23, October 16, and December 20, 1935, from the State of Illinois into the State of Minnesota of a quantity of Arcady Roost Paint that was misbranded. The article was labeled in part: "Arcady Roost Paint, Arcady Laboratories Inc., * * * For Poultry Health."

Analysis showed that it consisted of water (24.3 percent), soap (15.7 percent), nicotine, coal-tar neutral oil, and phenols.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the can label, falsely and fraudulently represented that it was effective to insure the health of poultry.

The information also charged a violation of the Insecticide Act of 1910 reported in notice of judgment no. 1513 published under that act.

On December 22, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $25, covering both violations.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26975. Misbranding of Dr. Bell's Veterinary Medical Wonder. U. S. v. 9¾ Bottles and 57 Bottles of Dr. Bell's Veterinary Medical Wonder. Default decrees of condemnation and destruction. (F. & D. nos. 38405, 38421. Sample nos. 2914–C, 13538–C.)

This product contained alcohol in a proportion greater than that represented on the label, and the carton and bottle label bore false and fraudulent representations regarding its curative or therapeutic effects.

The United States attorneys for the Western District of Washington and for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed libels in their respective district courts, on October 13 and 15, 1936, the libel praying seizure and condemnation of 9¾ dozen bottles at Seattle, Wash., and 57 bottles at Dallas, Tex., of Dr. Bell's Veterinary Medical Wonder, alleging that it had been shipped in interstate commerce on or about June 15 and July 28, 1936, by the Bell Wonder Medicine Co., from Alexandria Bay, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analyses of samples of the article showed that it consisted essentially of alcohol (63 to 65 percent by volume), water, and extracts of plant drugs including aloes, sassafras, capsicum, nux vomica, and mydriatic drugs such as scopola, stramonium, and/or belladonna.

In each case the article was alleged to be misbranded in that the statement "Alcohol 40%", borne on the bottle labels, was false and misleading in that the article contained alcohol in a proportion greater than 40 percent. It was alleged to be misbranded further in that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained therein, since no such declaration appeared upon the carton enclosing the bottles of the article and such declaration made on the bottle labels was incorrect and inconspicuous. The article was alleged to be misbranded further in that statements regarding its curative and therapeutic effects, borne on the cartons and on the bottle labels, and contained in an accompanying circular, falsely and fraudulently represented that it was capable of producing the effects claimed in such statements in substance as follows: That the article would relieve the more common diseases of livestock of which the symptoms are abdominal pains, colic, coughs, colds, chills, running a temperature, refusal to eat, looseness of the bowels, uneasiness, nervousness, exhaustion, undue exposure, and overexertion; that it would relieve colic, preliminary coughs, chills, running a temperature, refusal to eat, looseness of the bowels, and uneasiness in any animal; that it would give effectual first aid to livestock and save pain, reduce losses, and nip disease in the bud; that it was a reliable panacea for the most common ills of and evils affecting, and would prevent mortality among horses; that it was the greatest known first aid for sick animals; that it would be effective for the treatment of coughs, chills, and colds and in preventing many serious compli-

cations of which such are symptoms; that it would be an effective remedy for reducing temperature, and for the prevention and treatment of the many serious diseases and complications of which high temperature is a symptom or accompaniment; would be effective to correct looseness of the bowels and disturbances of the digestive system; effective as an immediate restorative for horses suffering from exhaustion or overwork and for distressed and overtaxed racing horses; effective as a corrective in cases of refusal to eat and for the prevention and treatment of exhaustion, approaching colds, stomach disorders, and overexertion, of which refusal to eat is a symptom or accompaniment; effective as a remedy for restlessness, colicky pains, pawing, fretting, getting up and lying down, and diseases or ailments of which such are symptoms or accompaniments; effective as a preventive of illness in any animal, and to eliminate sickness and losses among livestock; effective as a tonic for the appetite in all animals; effective for the prevention or treatment of diseases likely to be of long standing and accompanied with rising temperature, such as pneumonia. effective for the prevention of colds, etc., among poultry and for the prevention and treatment of sickness or disease in individual cases; effective for the treatment of high temperature in horses, cattle, sheep, and dogs, abdominal pains in horses, cattle, and dogs, and looseness of the bowels in full-grown horses and cattle, calves and colts, and dogs; effective as a preventive of sickness, including colic, in racing horses; effective in keeping livestock free from disease during shipping; effective as a preventive, remedy, or cure for acute indigestion (wind colic), bloating, stomach staggers, grass staggers, inflammation of the lungs, pneumonia, pleurisy, bronchitis, inflammation of the bowels, distemper, and azoturia (black water) in horses; effective as a preventive, remedy, or cure for bloating, exhaustion, calving disorders, straining after calving, compaction, loss of cud, garget, and pneumonia in cattle; effective in treating sick hogs, as a corrective and restorative and as a tonic for the appetite, and in severe cases of pain, inflammation, and rising temperature; effective as a preventive, remedy, or cure for pain, colic, inflammation, rising temperature, coughs, chills, and looseness of the bowels in sheep and all other animals, as a restorative for exhaustion, and as a tonic for loss of appetite in sheep; effective as a preventive, remedy, or cure for colds, catarrh, and ordinary diseases in poultry; and for distemper and the more common diseases in dogs.

On December 30, 1936, and January 12, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26976. Misbranding of N-A No. 7, of N-A No. 7½, and of Vicine. U. S. v. 36 Bottles of N-A No. 7, 6 Bottles of N-A No. 7½, and 6 Bottles of Vicine. Default decrees of condemnation and destruction. (F. & D. nos. 38417, 38418, 38419. Sample nos. 13541-C, 13542-C, 13543-C.)

The label of each of these articles bore false and fraudulent curative or therapeutic claims and the label of N-A No. 7 bore, in addition, a false and misleading representation regarding its germicidal property.

On October 17, 1936, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 36 bottles of N-A No. 7, 6 bottles of N-A No. 7½, and 6 bottles of Vicine at Houston, Tex., alleging that the articles had been shipped in interstate commerce on or about August 26, 1936, by the N-A Co., from Laurel, Miss., and that they were misbranded in violation of the Food and Drugs Act as amended.

Analysis of N-A No. 7 showed that it was essentially a solution of iron and magnesium sulphates, water, and small quantities of calcium, manganese, aluminum, and phosphate. Bacteriological test of the article showed that it was not a germicide when diluted with as little as an equal volume of water. The article was alleged to be misbranded in that the following statements borne on the bottle labels, "Stops Blood—Kills Germs * * * For * * * indigestion, rheumatism, dysentery and kidneys—5 to 10 drops in glass of water three times daily. Acute indigestion, diarrhea and poison teaspoonful in glass of water. * * * Sore throat and tonsils dilute with water and gargle often. Fresh cuts, * * * itch * * * Old sores dilute with water and apply freely and often", falsely and fraudulently represented that it was capable of producing the effects claimed in said statements. The article was alleged to be misbranded further in that the statement, "Kills Germs * * * Dilute with

water and gargle often * * * Dilute with water and apply freely", was false and misleading in that it was not a germicide when diluted with as little as an equal volume of water.

Analysis of N-A No. 7½ showed that it consisted essentially of iron and magnesium sulphates, water, and small quantities of quinine, aluminum, phosphate, and chloride. The article was alleged to be misbranded in that the statements borne on the bottle labels, "Liver And Kidney Tonic A medicine for the Stomach, Liver, and Kidneys * * * A wonderful medicine for stomach trouble, * * * sour stomach, sick headache, chills, fever, ague, tired and run-down feeling, heartburn, sallow complexion, nervousness, malaria, loss of appetite, * * * A general reconstructive tonic for ills arising from impurities of the blood. * * * Continue taking tablespoonful doses before each meal until condition indicates that it is not needed", falsely and fraudulently represented that the article was capable of producing the effects claimed in said statements.

Analysis of the Vicine showed that it consisted essentially of iron and magnesium sulphates, water, and small quantities of calcium, manganese, aluminum, and phosphate. The article was alleged to be misbranded in that the statements borne on the bottle labels, "The Natural Poultry And Stock Remedy 'Increases Egg Production' Vicine is a natural preventative and curative for fowls and animals of all kinds. It assists and promotes the natural functions by supplying the mineral elements and salts that their bodies require. It destroys worms and germs that are largely the cause of disease. Gives quick and effective relief for diarrhea. * * * Fowls—For Cholera, Roup, Limber Neck, Diarrhea and Sleepy disease: * * * Animals—Acute colic and dysentery * * * For worms and tonic, tablespoonful in water daily for five days; * * * Fresh cuts, wounds, old sores, skin eruptions and to stop bleeding; * * * It stops bleeding and kills germs", falsely and fraudulently represented that it was capable of producing the effects claimed in said statements.

On February 3, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26977. Misbranding of Runner's Combined Eczema Lotion and Remedy for The Skin and Scalp. U. S. v. 60 Bottles of Runner's Combined Eczema Lotion and Remedy for The Skin and Scalp. Default decree of condemnation and destruction. (F. & D. no. 38462. Sample no. 18259–C.)

The bottle and carton labels of this article bore false and fraudulent representations regarding its curative or therapeutic effects.

On October 28, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 bottles of Runner's Combined Eczema Lotion and Remedy for The Skin and Scalp at Washington, Pa., alleging that it had been shipped in interstate commerce on or about July 29 and September 10 and 16, 1936, by the Earle Chemical Co., from Wheeling, W. Va., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of alcohol, glycerin, water, and boric acid, with small amounts of salicylic acid, methyl salicylate, and phenol.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, borne on the bottle and carton labels, falsely and fraudulently represented that it was capable of producing the effects claimed in said statements: (Bottle label and carton) "Eczema * * * Remedy For The Skin and Scalp * * * A treatment for the Relief of Certain Forms of Eczema, * * * Barber's Itch, Ring Worm, Tetter, Salt Rheum, Pimples, * * * Ivy and Oak Poisoning, and Tends to Allay All Itching and Reduce Inflammation"; (bottle label only) "Directions: * * * other distressing symptoms. * * * One bottle of the Lotion should not be expected to relieve chronic or deep-seated cases, for several bottles may be required. Perseverance in the treatment is necessary in many cases of eczema. The Lotion should be continued for two weeks after the disorder is apparently removed."

On December 28, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26978. Adulteration and misbranding of Friable Pills No. 342 Blaud and Ointment Ammoniated Mercury. U. S. v. Standard Pharmacal Co. Plea of guilty. Fine, $50. (F. & D. no. 38064. Sample nos. 33401–B, 57277–B, 57281–B, 57282–B.)

The Friable Pills No. 342 Blaud differed from the standard prescribed in the United States Pharmacopoeia for Blaud's pills in that each pill contained less than 0.06 gram of ferrous carbonate. The Ointment Ammoniated Mercury contained less ammoniated mercury than the proportion thereof represented on the label.

On November 19, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Standard Pharmacal Co., Chicago, Ill., charging shipment by said corporation in violation of the Food and Drugs Act, from the State of Illinois on or about May 26, 1936, into the State of Indiana, and on or about May 29, 1936, into the States of Michigan and Indiana of quantities of an article, labeled "Friable Pills No. 342 Blaud", that was adulterated and misbranded; and on or about May 29, 1936, into the State of Indiana, of an article, labeled "Ointment Ammoniated Mercury", that was adulterated and misbranded.

The Friable Pills No. 342 Blaud were alleged to be adulterated in that they were sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia in that samples from each of the three shipments were found to contain not more than 0.0108 gram of ferrous carbonate in one case, not more than 0.01 gram in a second case, and not more than 0.0093 gram, respectively, in a third case; whereas said pharmacopoeia provides that Blaud's pills shall contain not less than 0.06 gram of ferrous carbonate, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Said article was alleged to be misbranded in that it was deficient in ferrous carbonate, prepared in imitation of Blaud's pills, and was offered for sale and sold under the name of another article, namely, Pills Blaud.

The Ointment Ammoniated Mercury was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, in that 100 grams of the article contained not more than 7.36 grams of ammoniated mercury; whereas said pharmacopoeia provides that ointment of ammoniated mercury shall contain not less than 10 grams of ammoniated mercury, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Said article was alleged to be misbranded in that the statement, "Ointment Ammoniated Mercury * * * Represents: Ammoniated Mercury 10 per cent * * *", borne on the package, was false and misleading in that it represented that the article contained 10 percent of ammoniated mercury; whereas in fact it contained less than 10 percent of ammoniated mercury.

On February 2, 1937, a plea of guilty was entered on behalf of the defendant corporation, and the court imposed a fine of $50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26979. Misbranding of Beck's Little Wonder Headache Powders. U. S. v. 134 Packages of Beck's Little Wonder Headache Powders. Default decree of condemnation and destruction. (F. & D. no. 38579. Sample no. 28706–C.)

This product was labeled to convey the impression that it was a safe and appropriate remedy for the ailments for which it was recommended and that it contained no drug having the effects of phenacetin; whereas it contained acetanilid, which has the same physiological effects as phenacetin, and when used as directed it might be dangerous. The labeling also bore false and fraudulent curative and therapeutic claims.

On November 21, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 134 packages of Beck's Little Wonder Headache Powders at Buffalo, N. Y., alleging that they had been shipped in interstate commerce on or about September 19, 1936, by A. L. Beck from Sharon, Pa, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of acetanilid (4½ grains per powder), caffeine, and potassium citrate.

The article was alleged to be misbranded in that the statement appearing in the circular, "These powders contain no Antipyrine, Phenacetine, Chloral Hydrate, Cocaine, Morphia, or other narcotics", was false and misleading since it created the impression that the article contained no ingredient closely related to and having the physiological effects similar to phenacetin; whereas it contained acetanilid, which chemically is closely related to and has the physiological effects of phenacetin. It was alleged to be misbranded further in that the following statements appearing in the circular were false and misleading in that they would mislead the purchaser into the belief that the article was a safe and appropriate medicine for the treatment of neuralgia, toothache, colds, grippe, etc.; whereas it was not a safe and appropriate treatment, but was dangerous when used as directed: "Put a powder on the tongue and take a swallow of water. A second dose, if required, may be taken in fifteen, twenty or thirty minutes after the first; then at intervals of 4 to 6 hours if necessary to allay fever. * * * Children 5 to 10 years of age may be given one-fourth powder; 10 to 15 years, one-half powder; a second dose in 30 minutes if necessary, then every 6 hours. Neuralgia, Tooth-Ache, Colds, Grippe &c., Headache from malaria, (fever and ague) and neuralgia or tooth ache, should have medium doses of quinine with a Headache powder every four to six hours." The article was alleged to be misbranded further in that certain statements on the carton and in the accompanying circular falsely and fraudulently represented that it was effective in the treatment of sick and nervous headache, toothache, grippe, neuralgia, colds, etc., and headache from malaria (fever and ague).

On December 21, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26980. Adulteration and misbranding of Supreme Gauze Bandage. U. S. v. 5 Gross Packages of Supreme Gauze Bandage. Default decree of condemnation and destruction. (F. & D. no. 38486. Sample no. 8968–C.)

This product was represented on the label to be sterile when it was not sterile, but contained viable micro-organisms.

On November 5, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5 gross packages of Supreme Gauze Bandage at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about August 11, 1936, by Supreme First Aid Co., from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

It was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, "Sterilized", when it was not sterile, but did contain viable micro-organisms.

The article was alleged to be misbranded in that the statement, appearing on the label, "Supreme Sterilized Gauze Bandages * * * Is Scientifically Prepared for Surgical Use", was false and misleading when applied to a bandage that was not sterile.

On December 21, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26981. Adulteration and misbranding of Pituitary Extract, Lederle. U. S. v. Lederle Laboratories, Inc. Plea of guilty. Fine, $100. (F. & D. no. 38049. Sample no. 72408–B.)

The potency of this product was only two-thirds of that required by the United States Pharmacopoeia, and only one-third of that claimed on the label.

On December 10, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Lederle Laboratories, Inc., New York, N. Y., charging shipment by said corporation in violation of the Food and Drugs Act, on or about May 6, 1936, from the State of New York into the State of New Jersey of a quantity of an article contained in ampoules and labeled "Pituitary Extract, Lederle twice the strength of Liquor Pituitarii U. S. P. X 20 International Units per cc", which was adulterated and misbranded.

The article was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from

its standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia in that 1 cubic centimeter of the solution had an activity upon the isolated uterus of the virgin guinea pig corresponding to less than 80 percent of that produced by 0.005 gram of standard powdered pituitary; whereas said pharmacopoeia provided that 1 cubic centimeter of solution of pituitary should have an activity upon the isolated uterus of the virgin guinea pig corresponding to not less than 80 percent of that produced by 0.005 gram of standard powdered pituitary; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to be pituitary extract that conformed to the standard laid down in the United States Pharmacopoeia, it was represented to have twice the strength of liquor pituitarii prescribed by the United States Pharmacopoeia, it was represented to contain 20 international units per cubic centimeter, it was represented to be a double strength solution; 1 cubic centimeter of the article was represented to contain 20 units, it was represented to be pituitary extract that contained quantitatively all the known physiologically active constituents of the perfectly fresh posterior lobe of the pituitary, it was represented to be physiologically standardized by the isolated uterus method and its potency adjusted so that each cubic centimeter of the article contained 20 units; whereas in fact the article was not pituitary extract which conformed to the standard laid down in the United States Pharmacopoeia; it did not have twice the strength of the liquor pituitarii prescribed by the United States Pharmacopoeia; it did not contain 20 international units per cubic centimeter, it was not double strength solution, 1 cubic centimeter of the article did not contain 20 units, it was not pituitary extract that contained quantitatively all the known physiologically active constituents of the perfectly fresh posterior lobe of the pituitary, it was not physiologically standardized by the isolated uterus method, and its potency was not adjusted so that 1 cubic centimeter contained 20 units.

The article was alleged to be misbranded in that the statements, "Twice the strength of Liquor Pituitarii U. S. P. X 20 International Units per cc. This double strength solution * * *", borne on the box containing the ampoules, the statement, "1 cc. * * * Pituitary Extract * * * 20 Units * * * Twice the strength of Liquor Pituitarii U. S. P. X 20 International Units per cc.", borne on the cartons enclosing the ampoules, and the statement, "Pituitary Extract * * * containing quantitatively all the known physiologically active constituents of the perfectly fresh posterior lobe of the pituitary. * * * physiologically standardized by the isolated uterus method and its potency adjusted as follows: * * * 1 cc to contain 20 units", contained in a circular enclosed in the box containing the ampoules of the article, were false and misleading in that they represented that it was pituitary extract that conformed to the standard laid down in the United States Pharmacopoeia; that it had twice the strength of liquor pituitarii prescribed by the United States Pharmacopoeia; that it contained 20 international units per cubic centimeter; that it was double strength solution; that 1 cubic centimeter of the article contained 20 units; that it was pituitary extract that contained quantitatively all the known physiologically active constituents of the perfectly fresh posterior lobe of the pituitary; that it had been physiologically standardized by the isolated uterus method and its potency adjusted so that 1 cubic centimeter contained 20 units; whereas in fact it was not pituitary extract which conformed to the standard laid down in the United States Pharmacopoeia, it did not have twice the strength of liquor pituitarii prescribed by the United States Pharmacopoeia, it did not contain 20 international units per cubic centimeter; it was not a double strength solution, 1 cubic centimeter of the article did not contain 20 units, it was not pituitary extract which contained quantitatively all the known physiologically active constituents of the perfectly fresh posterior lobe of the pituitary, it was not physiologically standardized by the isolated uterus method, and its potency was not adjusted so that each cubic centimeter contained 20 units.

On December 21, 1936, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26982. Misbranding of Ruherb, of Keystone Kidney, Bladder, Rheumatism, Liver, and Backache Remedy, of Keystone White Pine Compound Expectorant, and of Keystone Antiseptic Healing Oil Liniment. U. S. v. Keystone Laboratories, Inc. Plea of guilty. Fine, $300. (F. & D. no. 38596. Sample nos. 32457–B, 32458–B, 55228–B, 62275–B, 62426–B, 7105–C.)

The carton and bottle label of the Ruherb contained false and fraudulent curative and therapeutic claims; and it was represented on the label to consist wholly of roots and herbs; when it in fact consisted in large part of magnesium sulphate, alcohol, and water, and the quantity or proportion of alcohol was not declared on the label. The carton and bottle label of the Keystone Kidney, Bladder, Rheumatism, Liver, and Backache Remedy contained false and fraudulent curative and therapeutic claims. The Keystone White Pine Compound Expectorant was labeled with false and fraudulent curative and therapeutic claims, and it contained more than the proportion of alcohol, and less than the proportion of chloroform represented on the label. The bottle label of the Keystone Antiseptic Healing Oil Liniment bore false and fraudulent representations regarding its curative and therapeutic effects.

On February 2, 1937, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Keystone Laboratories, Inc., Memphis, Tenn., charging shipment by said corporation in violation of the Food and Drugs Act as amended from the State of Tennessee, on or about December 9, 1935, into the State of Mississippi, and on or about January 14, 1936, into the State of Missouri, of quantities of Ruherb that was misbranded; on or about December 23, 1935, into the State of Mississippi, and on or about January 14, 1936, into the State of Missouri of quantities of Keystone Kidney, Bladder, Rheumatism, Liver, and Backache Remedy that was misbranded; on or about January 16, 1936, into the State of Illinois of a quantity of Keystone White Pine Compound Expectorant that was misbranded; and on or about July 20, 1936, into the State of Rhode Island of a quantity of Keystone Antiseptic Healing Oil Liniment that was misbranded.

Analysis of the Ruherb showed that it consisted chiefly of water, sugar, magnesium sulphate, alcohol, small quantities of salicylic acid and plant extractives including emodin, arbutin, and a minute quantity of alkaloids.

The Ruherb in the shipment of December 9, 1935, was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the bottle labels, falsely and fraudulently represented that it would be effective as a health, blood, and nerve tonic; effective as a treatment, remedy, and cure for indigestion, sick headache, biliousness, torpid liver, backache, irregular action of the kidneys, and bad complexion; effective to tone up the run-down system, to clear the complexion, and to purify the blood; and effective as a health builder.

The Ruherb in the shipment of January 14, 1936, was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the bottle labels and cartons and contained in an accompanying circular, falsely and fraudulently represented that it would be effective as a health-giving, tissue-building, blood, nerve, and laxative tonic; effective as a health builder and as a treatment, remedy, and cure for indigestion, sick headache, biliousness, torpid liver, backache, irregular action of the kidneys, bad complexion, and faulty elimination and its kindred ailments; effective to tone up the run-down system, to clear the complexion, and to purify the blood; effective as a treatment for those who are weak and nervous and lacking in energy and ambition and are not enjoying life; effective to stimulate the liver, to tone up the kidneys and bowels, and to restore the feeling of healthful vigor and vitality that is the normal condition of healthy men and women; effective to rid the system of poisonous filth, bile, and impurities, and to insure the restoration of perfect health, vim, vigor, and vitality; effective as a treatment, remedy and cure for kidney troubles, bladder troubles, impure blood, sallow complexion, pains in the back, dizziness, sick headache, muddy, sallow, and pimpled complexions, and loss of appetite; and effective as a general tonic in weak and run-down conditions of the system.

The Ruherb in both the shipments of December 9, 1935, and January 14, 1936, was alleged to be misbranded in that the statements, "Ruherb The Reliable Roots and Herb Tonic Compound * * * Belladonna, Senna Alexandria, Stramonium, Cascara Sagrada, Buchu and other curative agents derived from Nature's storehouse of Valuable Roots and Herbs", borne on the bottle

labels and cartons, were false and misleading in that they represented that it consisted wholly of belladonna, Alexandria senna, stramonium, cascara sagrda, buchu, and other roots and herbs; whereas in fact it did not so consist, but did consist in large part of a mineral substance, namely, magnesium sulphate, alcohol, and water. Said article was alleged to be misbranded further in that it contained alcohol and the label on the package failed to bear a statement of the quantity or proportion of alcohol contained therein.

Analysis of the Keystone Kidney, Bladder, Rheumatism, Liver, and Backache Remedy in both shipments showed that it consisted chiefly of water, sugar, alcohol, small quantities of potassium acetate, methenamine, juniper oil, benzoic acid, and plant extractives.

The Keystone Kidney, Bladder, Rheumatism, Liver, and Backache Remedy in the shipment of December 23, 1935, was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the bottle labels and cartons, falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for kidney, bladder, and liver ailments, rheumatism, backache, irritations or inflammations of the kidneys or bladder, weak back, tender bladder, too frequent desire to urinate, burning sensation, and highly colored urine.

The Keystone Kidney, Bladder, Rheumatism, Liver, and Backache Remedy in the shipment of January 14, 1936, was alleged to be misbranded in that statements regarding its curative and therapeutic effects, on the bottle labels and cartons, and in a booklet enclosed in the cartons, falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for kidney, bladder, and liver ailments, rheumatism, backache, irritations or inflammations of the kidneys or bladder, weak back, tender bladder, too frequent desire to urinate, burning sensation, highly colored urine, aching limbs, elbow joints, and shoulder blades; and effective to remove the cause thereof.

Analysis of the Keystone White Pine Compound Expectorant showed that it consisted chiefly of sugar, water, alcohol, plant extractives, and chloroform.

The Keystone White Pine Compound Expectorant was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the bottle labels, falsely and fraudulently represented that it would be effective as a treatment for coughs and bronchial affections. Said article was alleged to be misbranded further in that the statement, "Alcohol 3% Each fluid ounce contains Chloroform 3 grains", was false and misleading in that the article contained more than 3 percent of alcohol and each fluid ounce of the article contained less than 3 grains of chloroform.

Analysis of the Keystone Antiseptic Healing Oil Ointment showed that it consisted essentially of small quantities of ammonia water, turpentine oil, and camphoraceous material, a fixed oil, and water.

The Keystone Antiseptic Healing Oil Ointment was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the bottle labels, falsely and fraudulently represented that it would be effective as a speedy relief for many aches and pains of the body of man or beast; would be effective to penetrate the flesh of man or beast, to go direct to the seat of pain in the body, and to afford instant relief from the pain; and would be useful in the treatment of rheumatism, pain in the back, and stiff joints.

On February 4, 1937, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $300 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26983. Misbranding of Sanadon. U. S. v. 15 Bottles of Sanadon. Default decree of condemnation and destruction. (F. & D. no. 38500. Sample no. 18522-C.)

The label of this article bore a false and misleading representation as to its antiseptic property, and false and fraudulent curative or therapeutic claims.

On November 5, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bottles of Sanadon at St. Louis, Mo., alleging that it had been shipped in interstate commerce on or about March 5 and May 7, 1936, by the Creotina Chemical Co., from Belleville, Ill., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of water with small amounts of guaiacol, sugar, hypophosphites, and methyl salicylate. Bacteriological test of the article showed that it was not antiseptic when diluted with an equal volume of water.

It was alleged to be misbranded in that the statement, "Antiseptic * * * Dilute 1 part Sanadon to equal parts water", appearing on the bottle labels, was false and misleading when applied to an article that was not antiseptic when diluted with an equal volume of water. The article was alleged to be misbranded further in that the following statements regarding its curative or therapeutic effects, appearing on the bottle labels, falsely and fraudulently represented that it was capable of producing the effect claimed in said statements: "Amoebicide * * * Tonic Stimulant Hemostatic * * * A preparation for the treatment of all infections of the mouth, teeth and gums, and for the prevention of the same; for stopping pain, reducing inflammation and relieving soreness and bleeding. It keeps the oral cavity free of bacteria, and promotes thorough oral hygiene. Its use provides a safeguard against every unfavorable condition in the mouth * * * Dilute 1 part Sanadon to equal parts water for ordinary treatments, or use pure in obstinate cases and neuralgia. * * * In extreme ulceration or soreness apply cotton saturated with Sanadon to affected part 3 to 6 times daily: * * * Apply in same manner for toothache. Effective when used daily on the toothbrush or otherwise as a germicide. Should be gargled as often as necessary for sore throat and kindred conditions. * * * to be used as an Amoebicide. It is a penetrative * * * a Tonic Stimulant, * * * and Hemostatic * * * Extraordinary results are obtained by its use in the treatment of pyorrhea, gum ulcerations, bleeding gums, canker sores, and stomatitis. Use constantly in the spray to establish sanitary working condition; syringe pus pockets with Sanadon undiluted; * * * Patients using it between treatments gain confidence in their progress by virtue of the comfort and results derived thereby."

On December 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26984. Misbranding of Vagi-Anti-Septikones. U. S. v. 21 Cartons of Vagi-Anti-Septikones. Default decree of condemnation and destruction. (F. & D. no. 38730. Sample no. 18440–C.)

The labeling of this preparation contained false and fraudulent curative and therapeutic claims.

On December 4, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cartons of Vagi-Anti-Septikones at Buffalo, N. Y., alleging that they had been transported in interstate commerce on or about October 6, 1936, by Dave Berland, of the Erie Laboratories, Cleveland, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Vagi-Anti-Septikones * * * Prepared for Mrs. Bee's Health Laboratories, Cleveland, Ohio."

Analysis showed that it consisted of suppositories containing hydroxyquinoline incorporated in cocoa butter.

The article was alleged to be misbranded in that the following statement borne on the label was a statement regarding the curative or therapeutic effect of the article and was false and fraudulent: "Excellent for Leucorrhoea."

On January 4, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26985. Misbranding of Henry's Deep Rock Oil. U. S. v. 51 Bottles of Henry's Deep Rock Oil. Default decree of condemnation and destruction. (F. & D. no. 38731. Sample no. 23203–C.)

This case involved sale in the District of Columbia of Henry's Deep Rock Oil the label of which bore false and fraudulent statements regarding its curative and therapeutic effects.

On December 2, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district

court a libel praying seizure and condemnation of 51 bottles of "Henry's Deep Rock Oil at Washington, D. C., alleging that the article was in the possession of the Washington Wholesale Drug Exchange, was being offered for sale in the District of Columbia, and that it was misbranded in violation of the Food and Drugs Act as amended. It was labeled in part: "Henry Evans, Washington, D. C."

Analysis of the article showed that it consisted essentially of a petroleum oil, a tar oil such as cade oil, methyl salicylate, turpentine oil, and cajeput oil.

The article was alleged to be misbranded in that the statements, "For the relief of pains in the Chest, Side or Back, Kidney Pains, Bladder Troubles, Coughs, * * * Sore Throat, Weak Lungs, Asthma (shortness of breath). * * * Swellings, * * * Sore Feet, and Rheumatism", borne on the label, falsely and fraudulently represented that the article was capable of producing the effects claimed in said statements.

On February 1, 1937, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26986. Adulteration and misbranding of tincture aconite. U. S. v. 1 Bottle and 10 Bottles of Tincture Aconite U. S. P. Default decree of condemnation and destruction. (F. & D. no. 38724. Sample no. 16942–C.)

The potency of this article was less than that required for tincture of aconite by the United States Pharmacopoeia.

On December 1, 1936, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel, and on January 23, 1937, an amended libel, praying seizure and condemnation of 1 gallon bottle and 10 pint bottles of tincture of aconite at Saratoga Springs, N. Y., alleging that it had been shipped in interstate commerce on or about July 26, 1935, by the Wm. S. Merrell Co., from Cincinnati, Ohio, consigned to the G. F. Harvey Co., Saratoga Springs, N. Y., and that it was adulterated and in part misbranded in violation of the Food and Drugs Act.

The 1-gallon bottle of the article was labeled in part: "Tincture Aconite U. S. P. Tincture Aconite * * * Physiologically Standardized Manufactured and assayed July 1935 Caution—Apparent strength by assay subject to deterioration with time, especially after opening." The article in the ten 1 pint bottles, it was alleged, had been repacked by the G. F. Harvey Co., from other 1-gallon bottles labeled similarly and shipped and consigned to it.

It was alleged that the article in the one 1-gallon bottle and in the 10 pint bottles was adulterated (1) in that it was sold under a name recognized in the U. S. Pharmacopoeia, namely, tincture of aconite, it differed from the standard of strength as determined by the test laid down in said pharmacopoeia, and its own standard of strength was not stated on the container; and (2) in that it fell below the professed standard or quality under which it was sold, namely, "Tincture Aconite U. S. P.", in that it had a potency of 37.5 percent of the minimum requirement of the United States Pharmacopoeia for tincture of aconite. It was alleged that the article in the 1-gallon bottle was misbranded in that the statement on the label, "Tincture Aconate U. S. P.", was false and misleading in that it had a potency of 37.5 percent of the minimum requirement of the United States Pharmacopoeia for tincture of aconite.

On February 6, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26987. Adulteration and misbranding of Gay. U. S. v. 716 Packages of Gay. Default decree of condemnation and destruction. (F. & D. no. 38746. Sample no. 27977–C.)

This product bore no declaration of acetophenetidin on the outside of the tin container, an enclosed slip bore an erroneous declaration of acetophenetidin, and it was labeled with false and fraudulent curative and therapeutic claims.

On December 4, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 716 packages of Gay at Philadelphia, Pa., alleging that it had been shipped in interstate

commerce on or about October 23, 1936, by Strong Cobb & Co., Inc., from Cleveland, Ohio., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of tablets containing 2.1 grains of acetylsalicylic acid, 1.7 grains of acetophenetidin, 0.25 grain of caffeine, and plant material including viburnum.

It was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely (on slip inside of tin box), "Each tablet contains 2 gr. Acetophenetidin", since it contained less than 2 grains of acetophenetidin per tablet.

The article was alleged to be misbranded in that the statement on the slip, "Each tablet contains 2 gr. acetophenetedin", was false and misleading, since it contained less than 2 grains of acetophenetidin. It was alleged to be misbranded for the further reason that the tin box containing it failed to bear a statement on the outside of the quantity or proportion of acetophenetidin, a derivative of acetanilid, that it contained. It was alleged to be misbranded further in that the following statements appearing in the labeling were statements regarding its curative or therapeutic effects and were false and fraudulent: (Wholesale carton) "Prompt Relief From Menstrual Pain For Relief from Menstrual Pain"; (retail tin) "For Prompt Relief of Menstrual Pain"; (leaflet) "A Specially Developed Formula Gay, perfected over a period of years and subjected to thousands of tests, bears unqualified endorsement and recommendation for relief in the treatment of menstrual pain due to normal causes. Gay contains no harmful drugs or narcotics—is non-habit forming—May be used with utmost confidence. Dose: One or two tablets taken with water. Repeat in one hour if necessary. (Note: Gay is not intended to cure menstrual disorders of long standing. Where the case is extremely stubborn or irregular, see your physician.) * * * is the modern way to relieve menstrual pain."

On January 12, 1937, no claimant having appeared judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26988. Adulteration and misbranding of Surgical Gauze Bandage and Surgical Gauze. U. S. v. 150 Cartons of Surgical Gauze Bandage and 150 Packages of Surgical Gauze. Default decree of condemnation and destruction. (F. & D. nos. 38779, 38780. Sample nos. 17435–C, 17437–C, 17438–C.)

These products were represented on the label to be sterile when they were not sterile, but were contaminated with viable aerobic and anaerobic bacteria.

On December 10, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 cartons of an article labeled "Surgical Gauze Bandage" and 150 packages of another article, labeled "Surgical Gauze", at New York, N. Y., alleging that the articles had been shipped in interstate commerce on or about October 26, 1936, by Handy Pad Supply Co., from Worcester, Mass., and that they were adulterated and misbranded in violation of the Food and Drugs Act.

The Surgical Gauze Bandage was alleged to be adulterated in that its purity fell below the professed standard under which it was sold, namely, "Surgical Gauze Bandage * * * Sterilized * * * This bandage has been carefully manufactured * * * for surgical use", in that the article was not sterile, but was contaminated with viable aerobic and anaerobic bacteria. Said article was alleged to be misbranded (1) in that the statements, "Surgical Gauze Bandage * * * Sterilized" and "This bandage has been carefully manufactured * * * for surgical use", borne on the label, were false and misleading in that it was not sterile and was not suitable for surgical use because it was contaminated with viable micro-organisms, and (2) in that the statement, "Guarantee Truss Co. 641 Amsterdam Avenue 3–4 E. 116th to 449 E. 149th Sts.", borne on the package, was false and misleading in that the name and address stated were not the name and address of the manufacturer of the article.

The Surgical Gauze was alleged to be adulterated in that its purity fell below the professed standard under which it was sold, namely, "Surgical Gauze * * * Sterilized", in that it was not sterile, but was contaminated with viable aerobic and anaerobic bacteria. Said article was alleged to be misbranded in that the statement, "Guarantee Surgical Gauze * * * Steri-

lized", was false and misleading in that it was not sterile, but was contaminated with viable micro-organisms.

On December 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26989. Adulteration and misbranding of sterilized bandages. U. S. v. 74 Packages of Home-Need Sterilized Bandage. Default decree of condemnation and destruction. (F. & D. no. 38798. Sample no. 6786–C.)

These bandages were represented to be sterile but were not sterile, since they contained viable aerobic and anaerobic micro-organisms, including a gas-forming species.

On December 11, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74 packages of Home-Need Sterilized Bandage at New Orleans, La., alleging that it had been shipped in interstate commerce on or about October 6, 1936, by the Reliable Merchandise Co., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Home-Need Sterilized Bandage."

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, "Sterilized Bandage", since it was not sterile but contained viable aerobic and anaerobic micro-organisms.

It was alleged to be misbranded in that the statement on the label, "Home-Need Sterilized Bandage", was false and misleading when applied to an article that was not sterile.

On January 6, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26990. Misbranding of Sphinx Herb Tea. U. S. v. 573 Packages of Sphinx Herb Tea. Default decree of condemnation and destruction. (F. & D. no. 38799. Sample no. 6684–C.)

The labeling of this preparation contained false and fraudulent curative and therapeutic claims.

On December 16, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 573 packages of Sphinx Herb Tea at New Orleans, La., alleging that it had been shipped in interstate commerce on or about November 18, 1936, by the Argyle Laboratories from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of senna leaves and pods with small amounts of fennel seed, anise seed, elder flowers, buckthorn bark, dog grass, orange peel, ginger root, and safflowers.

It was alleged to be misbranded in that the following statements appearing on the retail carton were statements regarding its curative or therapeutic effects, and were false and fraudulent: "Alterative * * * Through its laxative action aids in relieving—* * * Pimples Dizziness Toxemia Minor Eruptions Bad Breath Colitis * * * Digestive Disturbances Fatigue When due to faulty elimination or temporary constipation and because of its diuretic properties it tends to increase kidney and bladder elimination. * * * Formerly Called Munk's System Purifier Sphinx Herb Tea aids in stimulating the digestive organs and relieving the discomforts due to temporary constipation. * * * contains no injurious or habit forming drugs."

On February 6, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26991. Misbranding of Nasal Relief. U. S. v. 175 Cartons of Nasal Relief. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 38816. Sample no. 4976–C.)

The carton labels of this preparation failed to bear a statement of the quantity or proportion of chlorobutanol, a derivative of chloroform, contained in it;

and the tubes, cartons, and an accompanying circular contained false and fraudulent curative or therapeutic claims.

On December 16, 1936, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 175 cartons of Nasal Relief at Memphis, Tenn., alleging that it had been shipped in interstate commerce on October 7 and November 7 and 12, 1936, by the W. T. Rawleigh Co., from Freeport, Ill., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of menthol, camphor, and chlorobutanol (a derivative of chloroform), incorporated in petrolatum.

It was alleged to be misbranded in that the packages failed to bear a statement of the quantity or proportion of chlorobutanol, a derivative of chloroform, since no statement was made that chloretone is a chloroform derivative. The article was alleged to be misbranded further in that statements regarding its curative or therapeutic effect, on the container labels and cartons and in an accompanying circular, that is, statements in substance and to the effect that it would be effective as a remedy and cure for, and for arresting the progress of nasal catarrh and irritations, discomforts, and disagreeable symptoms of nasal catarrh and of hay fever, falsely and fraudulently represented that the article was capable of producing the effect claimed in such statements.

On February 8, 1937, the W. T. Rawleigh Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26992. Misbranding of Midol. U. S. v. 249, 490, 570, and 321 Packages of Midol. Default decrees of condemnation and destruction. (F. & D. nos. 38823, 38824. Sample nos. 23231–C, 23457–C, 23458–C.)

This product was represented to be a safe and an appropriate remedy and to be harmless, nonnarcotic, and non-habit-forming. Examination showed that it contained a drug that was deemed to be dangerous, which had narcotic or sleep-producing properties, and which might be habit-forming. The labeling also bore false and fraudulent curative and therapeutic claims.

On December 19, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 819 20-cent packages and 811 50-cent packages of Midol at Baltimore, Md., alleging that it had been shipped in interstate commerce in various shipments between the dates of November 4 and December 1, 1936, by the General Drug Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

The article consisted of tablets the essential ingredients of which were aminopyrine and caffeine. Three samples analyzed were found to contain 4.87, 4.97, and 4.9 grains, respectively, of aminopyrine; and 0.36 grain, 0.39 grain, and 0.4 grain, respectively, of caffeine per tablet.

It was alleged to be misbranded in that the statements, "The comfort afforded by Midol is harmless. Midol is not a narcotic and is not habit-forming", appearing in the circular shipped with it, were false and misleading when applied to an article containing a harmful drug having narcotic or sleep-producing properties and which might be habit-forming when taken as directed. It was alleged to be misbranded further in that the following statements regarding its curative and therapeutic effects and the ingredients and substances contained therein were false and fraudulent and false and misleading, respectively, since the said statements represented that the article was a safe and appropriate remedy when used as directed for the relief of functional menstrual pain and discomfort, headache, and neuralgia; whereas it was not a safe and appropriate remedy for such conditions when used as directed, but was a dangerous drug: (Label on metal container, 50-cent size only) "Take one tablet whole, or broken up with a swallow of water. If necessary a second tablet may be taken in two hours and a third in another three or four hours"; (circular, both sizes) "For the Relief of Functional Menstrual Pain A Boon to Women The discovery of Midol brought a great new relief to women who have suffered from functional pain during the menstrual or monthly period.

Functional menstrual pain and discomfort occur often in young girls and unmarried women and occasionally cause much distress to married women. They may be caused by cold, exposure to bad weather, undue work, or physical activity, minor forms of nervous excitement and spasmodic muscular contractions. Midol usually brings relief promptly in such cases and does not interfere in any way with the natural process of menstruation. The comfort afforded by Midol is harmless. * * * How To Use Midol For the quick relief of pain, headache or other discomfort common to functional menstrual disturbances, take one Midol tablet, whole or crushed, with a swallow of water. If not completely relieved, a second tablet may be taken in two hours, and a third in another three or four hours. Functional Menstrual Pain and Discomfort: These are relieved and comfort thereby promoted, through use of Midol tablets. Headache: Midol relieves most headaches promptly, and the relief it affords is usually prolonged. Neuralgia: The soothing influence of 'Midol' becomes quickly apparent. Midol is a preparation of distinctive merit."

On January 25, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26993. Misbranding of Astyptodyne Cough Syrup and Astyptodyne Ointment. U. S. v. 48 Bottles of Astyptodyne Cough Syrup and 9 Packages of Astyptodyne Ointment. Default decrees of condemnation and destruction. (F. & D. nos. 38818, 38819. Sample nos. 16126-C, 16127-C.)

The labeling of these products bore false and fraudulent curative and therapeutic claims.

On or about December 17, 1936, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 48 bottles of Astyptodyne Cough Syrup and 9 packages of Astyptodyne Ointment at Charleston, S. C., alleging that the articles had been shipped in interstate commerce—the former on or about November 30, 1935, and the latter on or about November 30, 1936—by the Astyptodyne Chemical Co., from Wilmington, N. C., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the cough syrup consisted essentially of syrup and pine oil (1.25 percent), and that the ointment consisted of petrolatum and pine oil (12 percent).

The articles were alleged to be misbranded in that the following statements in the labeling were statements regarding their curative or therapeutic effects and were false and fraudulent: (Cough syrup, carton) "Cough * * * is very healing to the membranes of the throat, * * * Highly recommended in the treatment of coughs, * * * bronchitis, croup, sore throat, whooping cough, and other diseases of the throat and chest"; (bottle) "Cough * * * For Coughs, * * * Sore Throat, Bronchitis, Whooping Cough And Croup"; (circular) "Cough * * * get rid of mucus which clogs the bronchial tubes, * * * to relieve the distressing symptoms of * * * simple Sore Throat, and Catarrhal Bronchitis and Croup due to colds"; (ointment, carton) "For Piles Protruding, Itching and Bleeding"; (tube) "For Piles * * * For Itching Piles * * * For Bleeding and Internal Piles, apply the ointment 'high up' into the rectum * * * For Protruding Piles and other external affections, * * * In every case of Piles, either variety, the bowels must be kept open by the use of salts"; (circular) "For Piles * * * and effective local treatment for itching, bleeding and protruding piles."

On January 12, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26994. Adulteration and misbranding of Stoco for Colds. U. S. v. 69 Bottles of Stoco. Default decree of condemnation and destruction. (F. & D. no. 38847. Sample no. 15764-C.)

This product contained acetanilid in a proportion less than that stated on the label, which also bore a false and fraudulent representation regarding its curative or therapeutic effect.

On December 21, 1936, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 69 bottles of Stoco for Colds at Atlanta, Ga., alleging that it had been shipped in interstate commerce on or about August 27, 1936, by the Stowe Co., from Charlotte, N. C., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of acetanilid (5 grains to each fluid ounce), alcohol, caffeine, phenolphthalein, salicylates, ammonium chloride, menthol, plant extractives including licorice, emodin-bearing drugs, flavoring oils, color, sugar, and water.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard under which it was sold, namely, "Acetanilid 7 grs. to oz.", in that it contained less than 7 grains of acetanilid per ounce.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, "For Colds * * * Very Effective In Treatment of Acute Head and Chest Colds", borne on the label, were false and fraudulent.

On February 8, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26995. Misbranding of Castrique Worm Powder, Spratt's Treatment for Bacillary White Diarrhoea and Spratt's Roupine Liquid Roup Treatment. U. S. v. 94 Cans of Castrique Worm Powder, and two other libel proceedings. Default decrees of condemnation and destruction. (F. & D. nos. 38857, 38858, 38859. Sample nos. 4250–C, 10755–C, 10756–C.)

The labeling of these veterinary preparations bore false and fraudulent curative and therapeutic claims.

On December 22 and December 24, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 94 cans of Castrique Worm Powder, 11 bottles of Spratt's Treatment for Bacillary White Diarrhoea, and 31 bottles of Spratt's Roupine Liquid Roup Treatment at San Francisco, Calif., alleging that the articles had been shipped in interstate commerce between the dates of July 11 and September 12, 1936, by Spratt's Patent, Ltd., from Newark, N. J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the worm powder consisted of sodium acetate; that the treatment for bacillary white diarrhoea consisted essentially of sodium hypochlorite and water; and that the Roupine Liquid Roup Treatment consisted of water (99.5 percent), and small amounts of aloe and mineral matter.

The worm powder was alleged to be misbranded in that certain statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective as a treatment for worms, and poor condition of puppies, adult dogs, cats, and other animals; effective for loss of energy of dogs; was effective as a treatment for worm symptoms of dogs such as red mange, rickets, unhealthy coat, foul smell, etc.; effective as a treatment for tapeworms and as a preventive of worms and effective to keep dogs fit. The treatment for bacillary white diarrhoea was alleged to be misbranded in that certain statements regarding its curative or therapeutic effects, borne on the label, falsely and fraudulently represented that it was effective as a treatment for bacillary white diarrhoea and coccidiosis of poultry; and effective as an intestinal disinfectant. The roup treatment was alleged to be misbranded in that certain statements in the labeling falsely and fraudulently represented that it was effective as a treatment for roup of poultry, ducks, geese, turkeys, pheasants, and all game birds.

On January 22 and January 26, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26996. Adulteration and misbranding of Cereal Lactic (Powder) and Cereal Lactic (Capsules). U. S. v. 41 Packages of Cereal Lactic (Powder) and 66 Packages of Cereal Lactic (Capsules). Default decree of condemnation and destruction. (F. & D. nos. 38903, 38904. Samples nos. 18643–C, 18644–C.)

Both of these articles contained extraneous nonaciduric bacteria, and a smaller number of lactic-acid-producing bacteria than represented on the label:

and the period of viability of each was less than claimed. Accompanying circulars contained false and fraudulent curative or therapeutic claims.

On January 4, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 packages of an article labeled "Cereal Lactic (Powder)" and 66 packages of another article labeled "Cereal Lactic (Capsules)" at St. Louis, Mo., alleging that they had been shipped in interstate commerce on or about July 11, 1936, by the Cereal Lactic Co., from Woodward, Iowa, and that they were adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis of the Cereal Lactic (Powder) showed the presence of lactic-acid-producing bacteria not to exceed 10,000 per gram, and the presence of extraneous nonaciduric bacteria (10,000 to 50,000 per gram). Analysis of the Cereal Lactic (Capsules) showed the presence of lactic-acid-producing bacteria not to exceed 100,000 per gram, and the presence of extraneous nonaciduric bacteria (20,000 to 80,000 per gram).

The Cereal Lactic (Powder) was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Bacterial count: 173 million aciduric organisms per gram of dry material * * * Viability Exceeds 3 Years", in that the bacterial count was less than 173 million aciduric organisms per gram of dry material, its viability did not exceed 3 years, and it contained from 10,000 to 50,000 extraneous nonaciduric bacteria per gram. Said article was alleged to be misbranded in that the statement borne on the label, "Bacterial count: 173 million aciduric organisms per gram of dry material * * * Viability Exceeds 3 Years", was false and misleading in that the bacterial count was less than 173 million aciduric organisms per gram of dry material, its viability did not exceed 3 years, and it contained from 10,000 to 50,000 extraneous nonaciduric bacteria per gram.

The article Cereal Lactic (Capsules) was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Bacterial count: 173 million aciduric organisms per gram of dry material * * * Viability Exceeds 3 Years", in that the bacterial count was less than 173 million aciduric organisms per gram of dry material, its viability did not exceed 3 years, and it contained from 20,000 to 80,000 extraneous nonaciduric bacteria per gram. Said article was alleged to be misbranded in that the statement borne on the label, "Bacterial count: 173 million aciduric organisms per gram of dry material * * * Viability Exceeds 3 Years", was false and misleading in that the bacterial count was less than 173 million aciduric organisms per gram of dry material, its viability did not exceed 3 years, and it contained from 20,000 to 80,000 extraneous nonaciduric bacteria per gram.

Each of the articles was alleged to be misbranded further in that the statement regarding its curative or therapeutic effect contained in a circular enclosed in the package, "Cereal Lactic is indicated in all gastro-intestinal conditions where a change in intestinal flora is known to be beneficial; also in reflex symptoms due to toxins of gastro-enteric origin", falsely and fraudulently represented that it was capable of producing the effect claimed in said statement.

On February 8, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26997. Adulteration and misbranding of cod-liver oil. U. S. v. 8 Drums of Cod-Liver Oil. Default decree of condemnation and destruction. (F. & D. no. 38908. Sample no. 13036-C.)

The label of this product bore a false and misleading statement that it was cod-liver oil U. S. P., and that each gram contained 95 U. S. P. vitamin D units; whereas each gram contained less than 85 U. S. P. vitamin D units. It differed from the pharmacopoeial standard for cod-liver oil in that more than 1 cubic centimeter of tenth-normal sodium hydroxide, namely, 1.32 cubic centimeters, were required to neutralize the free acid in 2 grams of the sample; and it deposited stearin when immersed in a mixture of ice and distilled water for 5 hours.

On January 5, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 drums of cod-liver oil at Horseheads, N. Y., alleging that the article had been shipped in interstate commerce on or about August 10, 1933, by McKesson & Robbins, Inc.,

from Bridgeport, Conn., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Each (gram) Contains U. S. P. X 1934 Revised * * * (95) Vit. D units."

The article was alleged to be misbranded in that the statement, "Superfine Poultry Cod Liver Oil * * * U. S. P. * * * Each (Gram) Contains U. S. P. X 1934 Revised * * * (95) Vit. D. Units", borne on the labels, was false and misleading in that it represented that the article was cod-liver oil U. S. P., each gram of which contained 95 vitamin D units; whereas in fact each gram of the article contained less than 95 U. S. P. units of vitamin D per gram.

On February 2, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26998. Misbranding of Rawleigh's All-Medicine Hog Mixture. U. S. v. 9 Pails and 23 Packages of Rawleigh's All-Medicine Hog Mixture. Consent decree of condemnation and destruction. (F. & D. no. 38987. Sample no. 31128–C.)

The labels of this article bore false and fraudulent curative or therapeutic claims.

On January 21, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9 pails and 23 packages of Rawleigh's All-Medicine Hog Mixture at Denver, Colo., alleging that it had been shipped in interstate commerce by the W. T. Rawleigh Co., from Freeport, Ill., on or about November 6, 1936, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of sodium chloride, phosphate, thiosulphate, and bicarbonate, ferrous sulphate, sulphur, charcoal, and a small quantity of a laxative plant drug.

The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the labels of the pails and packages and contained in a booklet and in a circular enclosed in the pails and in the packages, falsely and fraudulently represented that it was capable of producing the effects claimed in such statements, in substance and effect as follows: That the article would be effective to stimulate the appetite and to tone up the digestive processes in conditions of impaired nutrition in hogs; that it would aid in fattening hogs, brood sows, shoats, and pigs; would stimulate sluggish liver and aid in overcoming intestinal indigestion, and prevent fermentation caused by fungi in the alimentary canal; would be effective in treating gastric intestinal bleeding, gastric ulcers, and catarrh of the stomach; would increase the flow of saliva, relieve flatulency, and promote digestion; would have a laxative effect upon the skin and the linings of the stomach; would act as a stimulant and destroy disease germs; would stimulate the appetite and increase solubility of food and relieve indigestion and accompanying flatulency; that the article possessed the property of absorbing gases, would purify the stomach and intestines, and prevent the growth of disease germs by depriving them of moisture; would relieve pain in the stomach and aid in the cure of fermentative dyspepsia and catarrh; would aid in fattening hogs; would supply elements the system of swine requires and would be effective as a tonic and alterative and stimulant; would assist in toning up the system and improving the appetite; would aid the processes of digestion, assimilation, and elimination; would promote greater strength, more vigorous functional activity and health, greater vitality, and natural power of resistance against disease; would be effective as a remedy or cure for loss of appetite, indigestion, and run-down condition; would be effective to maintain the appetite, to assist the animals to grow and fatten more quickly, to round out better, and to reach a condition that would bring higher market prices; would cause greater gains in bone, muscle, and feeding capacity; would aid in keeping the digestive tract alkaline and thereby prevent the growth of necrotic and other types of enter-

itis bacteria; would be effective as a tonic for horses, mules, cattle, and sheep; would be effective to fatten pigs, to stimulate the appetite, to keep the appetite good and the digestive organisms vigorous, to cause the animals to thrive, and to keep the pigs growing.

On February 4, 1937, the W. T. Rawleigh Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26999. Misbranding of Dr. Gram's Grandmother Medicine. U. S. v. 38 Packages of Dr. Gram's Grandmother Medicine. Default decree of condemnation and destruction. (F. & D. no. 38937. Sample no. 28785–C.)

The packages of this preparation and an enclosed circular bore and contained false and fraudulent curative or therapeutic claims; and the circular also contained a misleading representation to the effect that the article was guaranteed by the United States Government.

On January 14, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 packages of Dr. Gram's Grandmother Medicine at Buffalo, N. Y., alleging that it had been shipped in interstate commerce on or about September 18 and October 9, 1936, by Gram's Medicine Co., from Cuyahoga Falls, Ohio, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of powdered plant material containing aloe, an emodin-bearing drug, and ginger.

The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the packages and contained in a circular enclosed therein, falsely and fraudulently represented that it would be effective for the treatment or relief of, or as a remedy for, all diseases of the blood, liver, kidneys, and stomach, for rheumatism, chills and fever, malaria, dyspepsia, sick or nervous headache, liver complaints, kidney complaints, neuralgia of the head or stomach, scrofula, biliousness, costiveness, palpitation of the heart, erysipelas, and all syphilitic troubles; that it would be of benefit in the treatment of any disease of the lungs, throat or head, catarrh, asthma, diabetes, bronchitis, consumption, cancer, tumor, fits, spasms, heart disease, Bright's disease of the kidneys, hardening of the liver, or spinal complaint by putting the blood, liver, and stomach in order; that it would be effective as a blood purifier, alterative, tonic, and restorative; would cure disordered liver and would remove pain in the back in kidney complaints; and would relieve dyspepsia, loss of appetite, sour stomach, languid or sleepy feeling after meals, restlessness at night, and bad dreams.

The article was alleged to be misbranded further in that the statement contained in the circular enclosed in the packages, "Guaranteed under the Food and Drugs Act, June 30th, 1906. Serial No. 3089", was misleading in that it represented that the article had been examined and approved by the Government of the United States and that such Government guaranteed that it complied with the law; whereas the Government had not examined, approved, nor guaranteed said article.

On February 8, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27000. Adulteration and misbranding of cinchophen tablets, nitroglycerin tablets, and Warren-Teed Tablets Eu-Phedital. U. S. v. The Warren-Teed Products Co. Plea of guilty. Fine, $800. (F. & D. no 37047. Sample nos. 15468–B, 48586–B, 48587–B, 64378–B.)

The cinchophen tablets, the nitroglycerin tablets, and the Warren-Teed Tablets Eu-Phedital contained a smaller quantity of cinchophen, nitroglycerin, and ephedrine sulphate, respectively, than that stated on the labels.

On December 1, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Warren-Teed Products Co., a corporation, Columbus, Ohio, charging shipment by said corporation in violation of the Food and Drugs Act, from the State of Ohio on or about July 1, 1935, into the State of Georgia of a quantity of cinchophen tablets that were adulterated and misbranded, on or about August 31, 1935, into the State of Georgia of a quantity of nitroglycerin tablets that were adulterated and misbranded, and

on or about March 19, 1935, and January 31, 1936, into the State of California of quantities of Warren-Teed Tablets Eu-Phedital that were adulterated and misbranded.

The cinchophen tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that each tablet was represented to contain 5 grains of cinchophen; whereas in fact each of the tablets contained not more than 3.82 grains of cinchophen. Said article was alleged to be misbranded in that the statement "Cinchophen 5 Grains", borne on the bottle labels, was false and misleading in that it represented that each of the tablets contained 5 grains of cinchophen; whereas in fact each of the tablets contained not more than 3.82 grains of cinchophen.

The nitroglycerin tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that each tablet was represented to contain $\frac{1}{100}$ grain of nitroglycerin; whereas in fact each of the tablets contained not more than $\frac{1}{135}$ grain of nitroglycerin. Said article was alleged to be misbranded in that the statement, "Nitroglycerin $\frac{1}{100}$ Gr.", borne on the bottle labels, was false and misleading in that it represented that each of the tablets contained $\frac{1}{100}$ grain of nitroglycerin; whereas in fact each of the tablets contained not more than $\frac{1}{135}$ grain of nitroglycerin.

The Warren-Teed Tablets Eu-Phedital were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that each tablet was represented to contain one-half grain of ephedrine sulphate; whereas in fact each of the tablets in one shipment contained not more than 0.341 grain of ephedrine sulphate and in another, not more than 0.438 grain. Said article was alleged to be misbranded in that the statement, "Each tablet contains: Ephedrine Sulphate ½ Gr.", borne on the bottle labels, was false and misleading in that it represented that each of the tablets contained one-half grain of ephedrine sulphate; whereas in fact each of the tablets contained less than one-half grain of ephedrine sulphate.

On January 28, 1937, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of $800.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 26951-27000

[1] Contains an opinion of the court.

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U. S. GOVERNMENT PRINTING OFFICE: 1937